

October 6, 2009
Special Meeting

The City of Cynthiana Board of Commissioners met in a special session on October 6, 2009 at 12 Noon. Present were Mayor Keith, Attorney Lair, Commissioner Grayson, Commissioner Mattmiller, Commissioner Moore, and Commissioner New.

Mayor Keith called the meeting to order and announced the agenda:

MEETING CALLED TO
ORDER

1. Discussion and Possible Decision on Zone Change Request in Business Park
2. Approve Change Order for Demolition on Westside Redevelopment Project

Mayor Keith asked each Commissioner if they would like to address the zone change request.

ZONE CHANGE
REQUEST
DISCUSSION:

Commissioner Mattmiller stated that the issue of the zone change request has placed him in a difficult place. He advised that it was difficult to make a decision that will hurt people we care about pitted against financial considerations.

Commissioner Mattmiller reported that for nine years he worked for Ashland Oil Company: eight years of that time was involved with propane gas. Commissioner Mattmiller advised that statistically the propane is a very safe business, and is a very expensive business to get into.

However, as the Finance Commissioner, Commissioner Mattmiller stated that balancing a budget for the City is a time consuming task. He felt that he must weigh the money and interest owed each year on this property, and the circumstances of the economy. Commissioner Mattmiller felt that he must vote to approve the zone change request.

Commissioner Grayson stated that he likes to make his decisions based on a proposal being a "win-win" situation. Commissioner Grayson stated that he had done quite a lot of research on propane and visited several sites within our area. He found out that there are seven major distributors in this area with one supplier depending upon their propane sales to carry his business. Commissioner Grayson stated he felt that the income generated from the employees at a new facility will be offset by the loss of jobs at one of the older businesses.

Commissioner Grayson advised one of the advantages of a new propane business would be to drive the prices on propane lower, however, he did not believe the prices would be low for a very extended period. Commissioner Moore commented that lower prices would put more money in the pockets of consumers.

Commissioner Grayson advised that he did not see a "win-win" to this situation.

Mayor Keith stated he would vote in favor of the zone change request because of the debt at the Industrial Park.

Commissioner Moore stated that she felt Commissioner Grayson's comment about loss of income from Occupational License Fee was an uncertainty. She advised that she had done some extensive research

online about this company.

Commissioner Mattmiller made a motion to accept the zone change and findings of fact as presented by Planning and Zoning Board for a lot on the corner of Seabiscuit Way/Connersville Pike from I-1 to I-II.

Commissioner New seconded. In favor: Commissioner Mattmiller: yes; Commissioner New: yes; Commissioner Moore: yes; Mayor Keith: yes; Opposed: Commissioner Grayson: no. Motion carried.

MOTION TO ACCEPT THE ZONE CHANGE REQUEST AND FINDINGS OF FACT AS PRESENTED BY P & Z BOARD FOR LOT @ INDUSTRIAL PARK II

Connersville Pike resident, Bobby Short, asked to address the Board. Mayor Keith acknowledged. Mr. Short stated that he felt the Board had overlooked the most important issue: safety. He questioned Commissioner Moore if she was satisfied with the answer from legal counsel about safety at the hearing. Commissioner Moore advised that she had not been satisfied, so she went on a research mission. What she did find was that there are industries in town that have much more hazardous workplaces than United Propane presents.

COMMENT FROM BOBBY SHORT

Mr. Short also stated that he felt that the Board had not given any consideration to what the location of this company would have on their property values in this area. He stated he felt that he had been condemned to live there all the rest of his life. He advised that he did not feel that the Board had heard the end of this issue.

Mayor Keith stated that he felt the Board had made an effort to study the issue and made a decision that they felt was for the betterment of the citizens of Cynthiana.

The next item of business was the approval of a change order for the Westside Redevelopment Project – Phase II. The City of Cynthiana received a request from CEDA to approve a change order on the Herrington Investments demolition contract for \$4,290.00 to add the removal of the burned out house known as Parcel #15-13 located on North Locust Street.

CHANGE ORDER FOR WESTSIDE REDEVELOPMENT PROJECT – PHASE II HERRINGTON INVESTMENTS

Commissioner Grayson made a motion to approve and authorize Mayor to sign Change Order #1 with Herrington Investments in the amount of \$4,290.00 to remove a burned out house known as Parcel #15-13 on North Locust Street. Commissioner Moore seconded. In favor: Commissioner Grayson: yes; Commissioner Moore: yes; Commissioner Mattmiller: abstain; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

MOTION TO APPROVE TO CHANGE ORDER #1 – HERRINGTON INVESTMENTS – DEMOLOTION PROJECT

Commissioner Mattmiller made a motion to declare an emergency for the purpose of authorizing the Mayor to sign facility encroachment agreements for water and sewer lines crossing CSX Railroad property in the area of the new construction of the viaduct on U. S. 27 North based upon the fact that the contractor is on site waiting to proceed and so the contractor can proceed without anyone incurring damages. Commissioner New seconded. In favor: Commissioner Mattmiller: yes; Commissioner New: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Mayor Keith: yes; Opposed: none. Motion carried.

MOTION TO DECLARE AN EMERGENCY

Commissioner Grayson made a motion to authorize Mayor to sign Resolution #2009-37 to execute facility encroachment agreements for a water line and a sewer line crossing CSX property. Commissioner New seconded. In favor: Commissioner Grayson: yes;

MOTION TO AUTHORIZE MAYOR TO EXECUTE FACILITY

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

ENCROACHMENT FOR
W AND S LINES
ACROSS CSX
PROPERTY

There being no further business to discuss, Commissioner Mattmiller made a motion to adjourn. Commissioner Moore seconded. In favor: Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner Grayson: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Meeting adjourned at 12:36 P.M.

ADJOURNMENT

Charleen McIlvain, City Clerk

John M. Keith, Jr., Mayor