

Special Meeting
October 22, 2009

The City of Cynthiana Board of Commissioners met in a special session on October 22, 2009 at 12 Noon. Present were Mayor Keith, Attorney Lair, Commissioners Grayson, Mattmiller, Moore, and New.

Mayor Keith called the meeting to order and advised the purpose of this meeting was to acknowledge (1) release of option to purchase between Harrison County Historical Society and Jess and Kellie Burrier and (2) review and possible approval of Handy House lease.

MEETING CALLED TO ORDER & PURPOSE STATED

Attorney Lair stated he has reviewed paperwork on Release of Option to Purchase. It appears to be signed by all the appropriate parties.

RELEASE OF OPTION TO PURCHASE BETWEEN H.C. HISTORICAL SOCIETY & JESS & KELLIE BURRIER – RESOLUTION 2009-#40

Attorney Lair read Resolution 2009-#40 acknowledging release of the option to purchase land from Jess and Kellie Burrier by the Harrison County Historical Society. Commissioner New made a motion to accept Resolution 2009-#40 as presented. Commissioner Moore seconded. In favor: Commissioner New: yes; Commissioner Moore; yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Mayor Keith: yes; Opposed: none. Motion carried.

Commissioner Mattmiller questioned exactly what this release accomplishes. Attorney Lair stated when the Burriers went to P & Z to seek a zone change, the Historical Society opposed the zone change because there was a Civil War gun emplacement on the site. An agreement was reached to allow the rezoning of the property if the Burriers gave the Historical Society an option on the land to purchase. Commissioner Mattmiller acknowledged knowing that information, however, he was questioning why the City needed to act on this item.

DISCUSSION

Attorney Lair advised that he was not sure why their Attorney needed this except that the option was a condition of a zone change, the Burrier attorney felt the City should acknowledge release of this option to purchase.

Mayor Keith questioned if the City stood to gain anything from this action. Commissioner Grayson commented that the City would see advantages with the improvements that will occur north of Cynthiana.

The second item on the agenda concerns the lease on the Handy House. Mayor Keith questioned if everyone has reviewed the lease.

HANDY HOUSE LEASE DISCUSSION

Mayor Keith inquired about plat. Attorney Lair advised that would become part once the survey is completed then lease would be signed with survey.

Mayor Keith asked about "out" on lease. Attorney Lair said if they default on the lease usually a 30 day notice would be given. However, if Mayor Keith wanted this information included, it could be put in the procedure in the event there was a default.

Mayor Keith stated he was concerned that the City is protected in the future.

Commissioner Grayson commented that it would be to City's advantage

for them to proceed on the improvements for five years.

Commissioner Mattmiller pointed out the language in the lease refers to the Secretary who may be involved in approving some decisions on the house. Mayor Keith does not want decisions taken out of hands of Harrison County Fiscal Court and City of Cynthiana.

Commissioner Mattmiller wanted to know if the Historical Society was going to fence off the yard. He questioned if the City could get in to mow the yard as the lease states.

Attorney Lair stated no one knows exactly how much land it will be until a survey is completed.

Mayor Keith inquired what period does this lease goes back to since it has been built onto. Commissioner Moore stated the house will be "rehabilitated" – not a restoration to original before additions. This gives them some leeway.

Attorney Lair asked the Commission if the things they wanted changed in lease are:

1. More details on default provisions.
2. More details on Secretary standards.

Attorney Lair said there has not been any discussion on who will pay for survey. Commission agreed the cost of the survey should be split three ways among City of Cynthiana, Harrison County Fiscal Court, and Harrison County Historical Society.

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

ADJOURNMENT

Charleen McIlvain, City Clerk

John M. Keith, Jr., Mayor