

February 23, 2010

The City of Cynthiana Board of Commissioners met in regular session on February 23, 2010 at 5:30 P.M. in the Commissioner's Room at City Hall. Present were Mayor Keith, Attorney Lair, Commissioners Grayson, Mattmiller, Moore, and New.

Mayor Keith called the meeting to order. The first item on the agenda was the presentation of the audit for FYE 6/31/2009. Mayor Keith recognized Jerry Hensley and Lanny Brittain of Ray, Foley, Hensley and Co., CPA.

Mr. Hensley presented the Board with copies of the audit. Mr. Hensley reviewed the various sections, but stated the Board should focus on the Statement of Cash Flow. Mr. Hensley stated this was a clean audit.

Mr. Hensley noted that revenues from the 6% Insurance Premium tax is down by about 15%. He also noted that revenues from Occupational License Fees will reflect an 8% to 12% decrease during 2010. These figures are not expected to recover until the 4<sup>th</sup> quarter of 2010.

Mr. Hensley encouraged the Board to contact him if they have any questions. He will be glad to come and address any issues.

Mayor Keith recognized Dave Kennedy, Administrative Assistant to the Board and a licensed architect.

Mr. Kennedy has prepared drawings for the renovation of the bathrooms at the River Road Ball Park. These drawings include three toilets and two lavatories in the women's facility plus one toilet, two urinals, and two lavatories in the men's area. Mr. Kennedy proposes to break this project down in four stages:

1. Demolition by City and County staff
2. Plumbing – Contractors
3. Electrical – Contractors
4. Finishing Work – City and County staff

Mr. Kennedy stated that he felt this work could be accomplished in six weeks or less for under \$20,000.00.

Commissioner Mattmiller questioned what type of wall covering will be used. Mr. Kennedy advised that a plastic paneling will be used. Greg Bolin of the Health Department has approved this paneling. This paneling can be washed down.

Mr. Kennedy advised that the concession stand cannot operate until the bathrooms are completed. Mr. Kennedy emphasized that renovating the concession stand at this time is not included in the proposal since that would increase the cost of the project to over \$20,000.00. It is noted that public entities have to bid projects out if the project costs more than \$20,000.00. The State will also need to approve any plumbing plan for the concession stand.

A concerned citizen questioned what will happen if the existing footer does not prove to be sufficient to handle the renovation. Mr. Kennedy responded that there is no guarantee; however, he does not feel there will be a problem. Gary Royalty, a structural engineer and a city

MEETING CALLED TO ORDER

AUDIT REPORT BY RAY, FOLEY, HENSLEY & CO.

PROPOSAL FOR RENOVATION OF BATHROOMS @ RIVER ROAD PARK

employee, has examined this facility. Mr. Kennedy did state that he didn't feel that demolition could get any closer than 4" to the walls. Mr. Kennedy also noted that the demolition takes place at the beginning of the project and if there are any major problems, they can be addressed at that time.

Concerned citizens also questioned the use of portable toilets at the site. Mr. Kennedy stated that it is the law that these must be in place during construction. Others questioned construction debris when ball games start. Mr. Kennedy felt that all construction would be inside, but fences could certainly be erected. Mr. Kennedy was questioned if the appliances to be installed were new or used. He advised his figures were for new fixtures.

Commissioner Mattmiller made a motion to approve the drawing submitted by Dave Kennedy to renovate the bathrooms at River Road Ball Park not to exceed \$20,000.00 which will be split between City and County governments. 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 APPROVE  
PROPOSAL  
SUBMITTED BY D.  
KENNEDY FOR  
RENOVATION OF  
RIVER ROAD BALL  
PARK BATHROOMS

Mayor Keith recognized Mr. Elwood Forsythe.

ELWOOD FORSYTHE  
COMPLAINT

Mr. Forsythe stated that he had a certificate of deposit at the Fifth Third Bank here in Cynthiana. Several years ago, it was determined that someone had cashed this certificate of deposit. Mr. Forsythe states that he did not cash the certificate, but he has not been able to establish who did cash the item. Mr. Forsythe states that for two years a police officer has been telling him that he is going to check on this matter, but it has not been done. Mayor Keith noted that Mr. Forsythe had also contacted him about this matter when he was serving as the Commonwealth Attorney. Mr. Keith referred the matter to the Kentucky State Police. Mr. Forsythe stated that he has contacted the KSP, but has not had any response. Mr. Forsythe also has spoken with Chief Johnson about this matter. Mayor Keith advised that one of the options would be to bring suit against 5/3 for loss of money.

Mayor Keith also assured Mr. Forsythe that Commissioner Moore will contact Police Chief Johnson regarding this matter. Mr. Forsythe thanked the Board for their time.

Mayor Keith recognized Rick Chasteen, Recreation Department Director.

RICK CHASTEEN –  
RECREATION DEPT.  
DIRECTOR

Mr. Chasteen thanked the Board for the opportunity to address the concerns of parents regarding the facilities which the Recreation Department uses. Mr. Chasteen stated that the parents have selected Mr. Brian Kinsey to be their spokesperson.

CITIZENS CONCERN

Mr. Kinsey also thanked the Board for the opportunity to bring their concerns before the Board.

Mr. Kinsey stated that he serves on the Little League Board and coached the 11-12 year old All-Stars last season.

Mr. Kinsey noted that the Board of Commissioner's action on the bathroom renovation at River Road eliminated a lot of the concerns. However, he questioned why it took six months to reach this stage when

the Little League games are scheduled to begin April 17. He also stated he would like to see the concession stand opened since it is profitable. The funds from the concession stand go to buy extra items. Mayor Keith stated that if the restrooms are fixed then Little League games can be played even if the concession stand is not open that day.

Mr. Kinsey stated that Harrison County was scheduled to be the host for the 11-12 year old All-Stars Tournament the first week in July. This is a big tournament and should bring a lot of people to Cynthiana. Mr. Kinsey expressed relief that Rick Chasteen would be able to go the area meeting and tell them that we would be able to host this event.

Mr. Kinsey questioned what the City intends to do about the condition of the bathrooms at the City Hall gym. The basketball season will end in two weeks. The bathrooms are deplorable and need work. He stated there were no stall doors in the men's room. Commissioner Moore confirmed that there were no doors in the women's facility.

Commissioner Mattmiller stated that three weeks ago he had met with Dave Kennedy and Gary Royalty to look at this site. They decided to strip the paint and steam clean the floors in order to get rid of the odor. The drains are functional; however, they just need to be cleaned. Stall doors have been located, and they will be installed.

A concerned citizen questioned why these bathrooms were not handicapped accessible. Mr. Kennedy advised that old buildings are grandfathered in, but once a renovation is started, the bathrooms must be brought up to code. A new building must also be built to code.

Rick Chasteen questioned why it has taken seven months to finally do something about the violation at River Road.

Mayor Keith stated that the situation is regrettable, however, he believes the structure of the Recreation Board and the Parks is not appropriate. There are two City/County parks and two parks that are owned solely by the City. The Recreation Board does not have any authority over the parks. Mayor Keith feels this system needs to be have a new structure.

Commissioner Moore stated there was a complete breakdown of communication regarding this problem.

Commissioner Grayson stated that he felt Mr. Chasteen shouldn't have to worry about this property; it is his job to take care of the Recreation end. The maintenance of the property is the governmental entity's responsibility.

A citizen questioned if Commissioner Grayson was so concerned about City property why did he vote against the renovation of the bathrooms at River Road.

Commissioner Grayson replied that he doesn't like to duct tape or band-aid a problem. He feels that a solution should be permanent and long term. He does not think it a good idea to put a band-aid on a building that was condemned after 1997 flood.

Mayor Keith reported that he had met with Congressman Geoff Davis and had a conference call with his chief-of-staff. No funds are earmarked for recreation. It is like recreation has become a four-letter word. Health is the new language.

Mr. Kinsey noted that it is a dark path if recreation is considered a four-letter word. He emphasized the need for organized sports for 13-17 year olds. There are so many youth at this age that are not good enough to make the school teams, so they are just left to their own devices.

Commissioner New questioned if volunteers could be used on these recreation department project. Attorney Lair advised that using volunteers is a complicated issue that should be discussed later.

Mayor Keith stated the discussion with the Recreation Department was concluded. A ten minute recess was taken at 7:02 P.M.

RECESS

Mayor Keith advised the next item on the agenda was the approval of the minutes from February 9, 2010.

Commissioner Moore made a motion to approve the minutes of February 9, 2010 as presented. Commissioner Grayson seconded. In favor: Commissioner Moore: yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

MOTION TO APPROVE  
MINUTES OF FEB. 9,  
2010

Mayor Keith requested Attorney Lair address the legal issues.

LEGAL ISSUES

Attorney Lair read Resolution 2010-#6 approving Pay Resolution #23 in the amount of \$10,726 for the Westside Redevelopment Project – Phase II. Commissioner Grayson made a motion to approve Resolution 2010-#6 as read. Commissioner New seconded. In favor: Commissioner Grayson: yes; Commissioner New: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Mayor Keith: yes; Opposed: none. Motion carried.

RESOLUTION 2010-  
#6 – PAY  
RESOLUTION #23  
WESTSIDE REDEVEL-  
OPMENT PROJECT –  
PHASE II

Attorney Lair advised that the property owner of 213-215 South Main Street has moved to another county. Another summons has been issued in the residential county. Hopefully, the sheriff will be able to serve this notice.

PROPERTY @ 213-  
215 SOUTH MAIN ST.

Attorney Lair reported that he and County Attorney Kuster have discussed the Handy House Lease with various parties: Billy Fowler, Mr. Potts of the Heritage Council, Commissioners and Magistrates. A revised version has been prepared. Attorney Lair urged the Board to go look at the Handy House perimeter flags and contact him or Attorney Kuster with feedback. Pat Darnell needs information in order to prepare a plat.

HANDY HOUSE LEASE

In regard to the University of Kentucky, Section 106, Mayor Keith is to check with County Judge-Executive to see if there is a formal contract.

U OF K, SECTION 106

The Mutual Aid Agreement with the City of Georgetown will need to be postponed until the next meeting as Attorney Lair has not heard from the City of Georgetown Attorney.

MUTUAL AID  
AGREEMENT TABLED  
UNTIL NEXT  
MEETING

In the matter of the United Propane Zone Change, the City Clerk has certified records to the Circuit Clerk.

ZONE CHANGE –  
UNITED PROPANE

Mayor Keith recognized 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	\$55,708.01
W & S Fund	32,782.61
Cash-in-Bank General Fund	\$655,556.92
Cash-in-Bank W & S Fund	79,959.71
Municipal Aid Road Fund	123,401.67

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

Commissioner Mattmiller stated that he was concerned that the City appears to have dropped the ball on the bathroom situation at the River Road Park.

COMMENTS  
CONCERNING  
BATHROOM @ RIVER  
ROAD PARK

He advised he had attended a Recreation Board meeting in December 2009. There was an individual who felt that he could get new bathrooms built for \$20,000.00. However, when this individual went to the Fiscal Court, the amount was over \$30,000, and the Fiscal Court rejected this proposal. This individual did not bring this proposal to the City Commission since this is a joint venture and the Fiscal Court had already rejected it. Commissioner Mattmiller stated the delay on this project was not the City's fault. Commissioner Mattmiller also stated that Dave Kennedy has never band aided anything in his life.

Mayor Keith recognized Commissioner of Public Safety Amanda Moore.

PUBLIC SAFETY  
REPORT

Commissioner Moore stated she did not want to address the item on her agenda, however, she did need an executive session. Mayor Keith asked her to defer until the end of the reports.

REQUEST FOR  
EXECUTIE SESSION

Commissioner Grayson advised Public Utilities was installing new service lines on a daily basis.

PUBLIC UTILITIES  
REPORT

Commissioner New thanked all departments for all they do for the City.

PUBLIC WORKS  
REPORT

Mayor Keith reported that he had met with Congressman Geoff Davis, Commissioner Grayson, Gary Royalty, and Judge Barnett. Mayor Keith, Commissioner Grayson, and Gary Royalty also shared a conference call with Congressman Davis' Chief of Staff. Mayor Keith reported the Congressman was encouraging, but not optimistic. The A. Keller Dam, bypass, and health was discussed.

MEETING WITH  
CONGRESSMAN  
DAVIS

Mayor Keith reported that he had not heard from the DOT regarding the viaduct.

VIADUCT

Commissioner Moore made a motion to move to executive session for the purpose of discussing employment of a specific individual. Commissioner New seconded. In favor: Commissioner Moore: yes; Commissioner New: yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Mayor Keith: yes; Opposed: none. Executive session began at 7:34 P.M.

EXECUTIVE SESSION-  
PURPOSE OF  
DISCUSSING  
EMPLOYMENT OF A  
SPECIFIC INDIVIDUAL

Commissioner Moore made a motion at 8:13 P.M. to return to regular session. Commissioner New seconded. In favor: Commissioner Moore: yes; Commissioner New: yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Mayor Keith: yes; Opposed: none.

RETURN TO REGULAR  
SESSION

Mayor Keith reported that while in executive session, no action was taken. NO ACTION TAKEN

Commissioner Moore made a motion to withdraw an offer of employment to an individual. Commissioner New seconded. In favor: Commissioner Moore: yes; Commissioner New: yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Mayor Keith: yes; Opposed: none. Motion carried. MOTION TO WITHDRAW OFFER OF EMPLOYMENT TO AN INDIVIDUAL

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 8:15 P.M. ADJOURNMENT

---

Charleen McIlvain, City Clerk

---

John M. Keith, Jr., Mayor