

June 24, 2014

The City of Cynthiana Board of Commissioners met in regular session on June 24, 2014 at 5:30 P.M. in the Commissioner's Room at City Hall. Present were Mayor Moses, Commissioners Bruncker, Grayson, Keith and Slade and Attorney Lair.

Mayor Moses called the meeting to order and recognized Bonnie Skinner with P&Z.

CALL TO ORDER

Ms. Skinner stated she first brought the possibility of putting Code Enforcement with P&Z in 2011. Since then there has been a lot of discussion with the Code Enforcement Board and with the Planning Board. The P&Z Board would like to hire a full-time building inspector/code enforcement officer. She and her board have put a lot of thought into this and they feel they can handle this.

B. SKINNER-CODE ENF
TO P&Z

The attorneys have met and legally this can be done. Ms. Skinner stated she would not set this up to fail. They want the opportunity to try. Other cities do this. There would be a job description for a full-time person which contains qualifications, they would take applications and any current employees can apply. The Commission is in receipt of the proposed job description and proposed budget. The budget would be approximately \$3,500 less per year than the City is currently paying.

Commissioner Keith asked if the qualifications are set by statute. Ms. Skinner said there are qualifications for a building inspector under the building code. There is Level I and Level II with the difference being what you can inspect.

Commissioner Keith asked under what conditions can one inspect. Attorney Lair stated it would be under the same authority the current Code Enforcement Officer has. P&Z is asking to hire one person to act as the Building Inspector and the Code Enforcement Officer.

Commissioner Keith stated one problem is the time in getting things done. Ms. Skinner said part of this would include P&Z adopting the Property Maintenance Code and they could enforce under that.

Attorney Lair stated they have had Code Enforcement for six years and had only three liens filed to his knowledge. He is not aware of any Rental License Code violations or liens.

Commissioner Keith stated he is concerned about enforcement. Ms. Skinner stated her office is an enforcement office. They have experience with cease and desist and enforcing what is on the books.

Commissioner Bruncker stated that as he understands this, the current rules on the books will not be changed unless the Commission changes them; however, those rules would move over to P&Z for enforcement and combine with building inspections and Mr. Quisenberry would apply. He further stated that this goes back to what he said three years ago, who does what? This would eliminate the silo affect.

Commissioner Slade asked Ms. Skinner what she is looking for from this board. Attorney Lair stated he has some draft ordinances from P&Z. The first one would expand the definition of who can enforce codes. The second one is the nuisance ordinance which adds a list of who can enforce that. The third one is the rental license code. He does not think there have ever been inspections. This would now be done. Attorney Lair asked Ms. Skinner when someone applies for a building permit, who pays the fee and who gets that money. She stated it goes to operate P&Z. Lair further stated that if a lien is filed for Code Enforcement, it has to be in the name of the City and the City could enforce that lien.

Commissioner Brunner asked Attorney Lair about discussions with other attorneys. Are the forms in a legal format? Lair thinks it would work. They may need to be tweaked. This is being done in many other cities. It has not been litigated.

Commissioner Brunner thinks he is hearing that this can be done and he is in favor of that. Attorney Lair informed the Commission they needed to pass three ordinances.

Attorney Lair read the first reading of Ordinance #1522 adding to the current ordinance who has the authority to enforce. Commissioner Brunner made a motion to approve the first reading of Ordinance #1522. Commissioner Slade seconded.

1st READ ORD#1522
CODE ENF AUTHORITY
TO P&Z

Commissioner Keith asked what would be the role of the current Code Enforcement Board. Ms. Skinner stated that it would stay intact. It would still be a City Board. P&Z would not hear any appeals.

Commissioner Grayson asked if it is possible for one person to handle both the City and the County. Ms. Skinner stated the County says they have very little complaints. He also asked what about an old car? Would this person be looking for things or only if someone calls in? Ms. Skinner said it would be both. They are all looking to improve our community. Commissioner Grayson asked if the person can get this done. Ms. Skinner said yes. It would be his job to get this done.

Commissioner Slade stated we are not getting anything done now. Let's try this. We can revisit this issue later if it is not working. He feels this is doable.

Vote: Commissioner Brunner: yes; Commissioner Slade: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

Attorney Lair read the first reading of Ordinance #1523 authorizing P&Z to enforce the nuisance ordinance.

1st READ ORD#1523
CODE ENF AUTHORITY
TO P&Z

Commissioner Brunner made a motion to approve the first reading of Ordinance #1523. Commissioner Slade seconded. Vote: Commissioner Brunner: yes; Commissioner Slade: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

Attorney Lair read the first reading of Ordinance #1524 amending Article 8 of the Rental Housing Ordinance. Commissioner Brunner

1st READ ORD #1524
AMENDING RENTAL

made a motion to approve the first reading of Ordinance #1524. HOUSING ORD
Commissioner Slade seconded. Vote: Commissioner Brunner: yes;
Commissioner Slade: yes; Commissioner Grayson: yes;
Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

Commissioner Keith asked if you do not have a rental license, are
you in violation. Are rooms and old cabins covered? Attorney Lair
read and they are covered.

Commissioner Grayson asked if Section 8 rentals are inspected, will
they be inspected twice. Mayor Moses said that if a unit does not
pass Section 8, they do not pay the owner the rent.

Mayor Moses reported he would like two people to meet with
Bonnie Skinner on the finances and budget for Code Enforcement
going in with P&Z. He asked Commissioners Grayson and Slade
and everyone agreed.

Mayor Moses stated there were minutes to approve.

Commissioner Grayson made a motion to approve the minutes of APPRONE 06/10/14
the June 10, 2014 meeting. Commissioner Slade seconded. Vote: MINUTES
Commissioner Grayson: yes; Commissioner Slade: yes;
Commissioner Brunner: yes; Commissioner Keith: yes; Mayor
Moses: yes. Motion carried.

Commissioner Slade made a motion to approve the minutes of the APPROVE 06/23/14 SP
June 23, 2014 special meeting. Commissioner Brunner seconded. MEETING MINUTES
Vote: Commissioner Slade: yes; Commissioner Brunner: yes;
Commissioner Grayson: abstain; Commissioner Keith: yes; Mayor
Moses: yes. Motion carried.

Mayor Moses recognized Attorney Lair

LEGALS

Attorney Lair read the second reading of Ordinance #1518 2nd READ ORD #1518
amending the budget for July 1, 2013 to June 30, 2014. AMEND BUDGET
Commissioner Keith made a motion to approve the second reading
of Ordinance #1518. Commissioner Brunner seconded. Vote:
Commissioner Keith: yes; Commissioner Brunner: yes;
Commissioner Grayson: yes; Commissioner Slade: yes; Mayor
Moses: yes. Motion carried.

Attorney Lair read the second reading of Ordinance #1519 adopting 2nd READ ORD#1519
the budget for July 1, 2014 to June 30, 2015. Commissioner Slade ADOPTING BUDGET
made a motion to approve the second reading of Ordinance #1519.
Commissioner Brunner seconded. Vote: Commissioner Slade: yes;
Commissioner Brunner: yes; Commissioner Grayson: yes;
Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

Attorney Lair read Resolution #2014-4, a joint resolution of the City
and the County authorizing a grant application to KOHS for funding
for the 911 Center.

Commissioner Brunner made a motion to approve Resolution APPROVE RES #2014-4
#2014-4. Commissioner Slade seconded. Vote: Commissioner APPLY FOR KOHS
Brunner: yes; Commissioner Slade: yes; Commissioner Grayson: GRANT
Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

Attorney Lair said he had reviewed the contracts with Health Cost

Solutions on the City's self-funded portion of health insurance. Commissioner Keith made a motion to authorize the Mayor to sign the contracts with Health Cost Solutions. Commissioner Brunner seconded. Vote: Commissioner Keith: yes; Commissioner Brunner: yes; Commissioner Grayson: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

MAYOR TO SIGN HCS CONTRACTS

Attorney Lair opened the one bid received on a surplus 2001 Ford Crown Vic cruiser from Rick and Jackie Arnold for \$150.

OPEN BIDS-SURPLUS CRUISER

Commissioner Brunner made a motion to reject the bid. Commissioner Slade seconded. Vote: Commissioner Brunner: yes; Commissioner Slade: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

REJECT BID ON SURPLUS CRUISER

Mayor Moses recognized Commissioner Grayson.

FINANCE REPORT

Commissioner Grayson made a motion to pay the following bills:

PAYABLES REPORT

General Fund	\$ 60,487.35
Water & Sewer Fund	\$ 30,026.59

Commissioner Brunner seconded. Vote: Commissioner Grayson: yes; Commissioner Brunner: yes; Commissioner Keith: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

Commissioner Grayson reported cash in bank:

General Fund	\$ 473,766.90
Water & Sewer Fund	\$ 301,209.21
Municipal Road Aid Fund	\$ 49.00

Commissioner Grayson reported the Main Street Program is applying for a 501c(3) status and will need \$850 for that fee. Commissioner Grayson made a motion to pay the \$850 filing fee in the next budget. Commissioner Brunner seconded. Vote: Commissioner Grayson: yes; Commissioner Brunner: yes; Commissioner Keith: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

PAY 501c (3) FILING FEE FOR MAIN STREET PROGRAM IN NEXT BUDGET

Commissioner Grayson reported there will be a ribbon cutting ceremony at FRVP on Friday, June 27th at 11:00am for Project Playground. This has been made possible in part by a group of young parents who saw a need and stepped up to take action. In addition, thanks to Cooper Wholesale and Kevin Florence for their help with this project.

RIBBON CUTTING – PROJECT PLAYGROUND

Commissioner Grayson reported they will soon be pouring a concrete basketball court at FRVP.

BASKETBALL COURT TO GO IN AT FRVP

Frank Henson, a County Magistrate was present to report that he has talked to Judge Barnett and Haviland Argo of KU. They are working on lighting the lower walking trail with the lights the City and County have on hand. They will need to meet with Gary Royalty, the PW Director. Argo will assist us with this project.

KU TO ASSIST WITH LIGHTING AT FRVP

Commissioner Grayson reported he continues to have concerns about property at 215 Wilson Ave. There are small kids nearby. There are nails and boards piled up on the porch and kids are playing there. He feels the City has the authority to take care of

215 WILSON AVE CONCERNS

this under health and safety. Can the PW men go down there and pick this up.

Commissioner Slade stated he did look at this issue. His men could take care of this if Attorney Lair feels they can.

Attorney Lair stated he has not seen this issue but if they have a serious health hazard, he would document this with good pictures before and after.

Commissioner Grayson reported there are issues with the house at FRVP. It needs to be fenced off. The bricks are falling off, the front porch is falling in, there are dangerous steps and he thinks people are using them to get into the house. Commissioner Brunner agrees it is a dangerous place. Commissioner Grayson asked that anyone who has not looked at the house recently, to please do so. He will be asking the county to look at this also.

CONCERNS FOR SAFETY AT THE HOUSE AT FRVP

Commissioner Grayson made a motion to authorize the Mayor to sign the contract with Adams & Associates to provide EAP services for the City. Commissioner Brunner seconded. Vote: Commissioner Grayson: yes; Commissioner Brunner: yes; Commissioner Keith: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

AUTHOIZE MAYOR TO SIGN EAP CONTRACT

Mayor Moses recognized Commissioner Brunner.

PUBLIC SAFETY

Commissioner Brunner made a motion to advertise for a Police Officer to fill the vacancy due to the retirement of Corporal Tapp. Commissioner Keith seconded. Vote: Commissioner Brunner: yes; Commissioner Keith: yes; Commissioner Grayson: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

AUTHORIZE TO ADVERTISE FOR VACANCY IN P.D.

Commissioner Brunner reported Fire Chief Sanders informed him that the Fire Department has received agency certification. Congratulations to the Fire Department.

FIRE DEPT RECEIVED AGENCY CERTIFICATION

Mayor Moses recognized Commissioner Slade.

PUBLIC WORKS

Commissioner Slade made a motion to stripe parking spots on South Church Street between Pike and Bridge Streets for a quoted figure of \$187.20. Commissioner Brunner seconded. Vote: Commissioner Slade: yes; Commissioner Brunner: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.

STRIPE PARKING SPOTS ON S. CHURCH

Mayor Moses recognized Commissioner Keith

PUBLIC UTILITES

Commissioner Keith reported the wind took the roof off the main building at the WTP the previous night. The City needs to act quickly to replace the roof to avoid further damage to the interior of the building. Commissioner Keith made a motion to declare the need to replace the roof at the WTP an emergency. This is determined to be an emergency because the roof is completely gone and it is exposed to the elements allowing more rain in that will cause further damage. Commissioner Grayson seconded. Vote: Commissioner Keith: yes; Commissioner Grayson: yes; Commissioner Brunner: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

DECLARE NEED TO REPALCE ROOF AT WTP AND EMERGENCY

<p>Commissioner Keith made a motion to award the roof replacement to Melson Roofing, Inc. for an amount not to exceed \$50,000 upon the recommendation of the Public Works Director and engineer, Gary Royalty and a letter from the City's insurance agent stating this estimate is acceptable. Commissioner Slade seconded. Vote: Commissioner Keith: yes; Commissioner Slade: yes; Commissioner Brunner: yes; Commissioner Grayson: yes; Mayor Moses: yes. Motion carried.</p>	<p>AWARD WTP ROOF REPAIRS TO MELSON ROOFING</p>
<p>Commissioner Keith reported that he had requested P&Z do a downtown parking study. That has been done. He wants Bonnie Skinner to know that he deeply appreciates that. It seems there is plenty of parking but the lots need to be marked.</p>	<p>P&Z PARKING STUDY</p>
<p>Mayor Moses read a Proclamation for Cynthiana High School Alumni Banquet declaring June 28, 2014 Cynthiana High School Alumni Day.</p>	<p>MAYOR'S REPORT CHS ALUMNI DAY 6/28/14</p>
<p>Attorney Lair read the first reading of Ordinance #1520 reenacting and confirming a regulatory license fee of 4% on the sale of alcoholic beverages by the drink. Commissioner Brunner made a motion to approve the first reading of Ordinance #1520. Commissioner Keith seconded. Vote: Commissioner Brunner: yes; Commissioner Keith: yes; Commissioner Grayson: yes; Commissioner Slade; yes; Mayor Moses: yes. Motion carried.</p>	<p>1st READING ORD #1520</p>
<p>Attorney Lair read the first reading of Ordinance #1521 reenacting and confirming the regulatory fee of 4% on distilled spirits, wine and malt beverages. Commissioner Brunner made a motion to approve the first reading of Ordinance #1521. Commissioner Slade seconded. Vote: Commissioner Brunner: yes; Commissioner Slade: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.</p>	<p>1st READING ORD #1521</p>
<p>Commissioner Brunner made a motion to readvertise for bids on a 2001 Ford Crown Vic with a minimum bid of \$500. Commissioner Grayson seconded. Vote: Commissioner Brunner: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.</p>	<p>READVERTISE FOR BIDS ON CRUISER</p>
<p>Commissioner Grayson made a motion to go into executive session to discuss acquisition of real property and possible litigation. Commissioner Slade seconded. Vote: Commissioner Grayson: yes; Commissioner Slade: yes; Commissioner Brunner: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.</p>	<p>EXECUTIVE SESSION</p>
<p>Commissioner Brunner made a motion to return to regular session. Commissioner Grayson seconded. Vote: Commissioner Brunner: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.</p>	<p>RETURN TO REG SESSION</p>
<p>Commissioner Brunner made a motion to authorize the City Attorney to draft correspondence for the Mayor to sign for the purpose of interest in real estate. Commissioner Slade seconded. Vote: Commissioner Brunner; yes; Commissioner Slade: yes; Commissioner Grayson: yes; Commissioner Keith: yes; Mayor Moses: yes. Motion carried.</p>	<p>CITY ATTORNEY TO DRAFT CORRESPONDENCE</p>

Commissioner Bruner made a motion to adjourn. Commissioner Keith seconded. Vote: Commissioner Bruner: yes; Commissioner Keith: yes; Commissioner Grayson: yes; Commissioner Slade: yes; Mayor Moses: yes. Motion carried.

ADJOURN

Charleen McIlvain, City Clerk

Steve Moses, Mayor