

City of Orchard Grass Hill City Council Minutes

April 8, 2014

Mayor Lalli called the meeting to order at 7:34 p.m.

Council Members Present: Bob Dalton
Connie Kirchner
Susan Marcum
Daniel Lira
Bob McCue
Scott Pierce

Others Present: Mayor Doug Lalli
Kyle Hubbard – City Attorney
Kim Taylor – City Treasurer
Ruth LeMaster – City Clerk
Angi Johnston – City Engineer
Charlie Fudold
Wesley Kyle
Ed Basquill
Roger Loyd
Darren & Jackie Francis
Judge Executive Voegelé
Sheriff Steve Sparrow

Absent:

MINUTES

Susan Marcum **made a Motion** to dispense with the reading of the March 11, 2014 minutes. Bob McCue **seconded the Motion. The Motion passed.** Daniel Lira **made a Motion** to accept the March 11, 2014 minutes. Bob McCue **seconded the Motion. The Motion passed.**

TREASURER'S REPORT

The March 31, 2014 Treasurer's report was presented. Bob McCue **made a Motion** to accept the March 31, 2014 Treasurer's report. Scott Pierce **seconded the Motion. The Motion passed.** The December 2013, January 2014, February 2014 reports were audited with no discrepancies. In the November 2013 audit an immaterial discrepancy of \$.85 was found and the financial reports were accepted with no discrepancies.

ATTORNEY'S REPORT

Linco has returned to the city to offer free carpet cleaning in violation of city ordinances.

Sorrell property is delinquent for city and county taxes for several years. City Attorney contacted a lawyer who is acquainted with the situation to force foreclosure and auction of the property. It does not make sense for the city to file suit so it will be a party and defendant in this lawsuit that will include 6 other cities. The attorney will file suit within 3 months.

Rental house owner Dolores Hartlage received the City Attorney's letter and forwarded it to her son. They informed the tenants about the nuisance complaint and the City Attorney received a 3 page statement from the tenants who deny there are multiple families dwelling there, and denies that their dogs are going on the neighbors' lawns without permission. The tenant claims harassment from neighbors. The Mayor has seen police cars in front of their home more than once.

There has been no response to the City Attorney's letter regarding the large RV parking on West Orchard Grass in violation of city ordinances. The City Attorney will send a certified letter to the owner. The Mayor will verify the address and inform the attorney.

The City Attorney gave the city council a 2nd reading of ORDINANCE NO. 2014-1, AN ORDINANCE REPEALING ORDINANCE No. 2011-3. **A roll call vote was taken.**

Roll Call Vote:

Bob McCue – No

Scott Pierce – Yes

Bob Dalton – Yes

Susan Marcum – No

Daniel Lira – Yes

Connie Kirchner – No

Mayor Lalli cast a tie breaking vote yes in favor of the ordinance. ORDINANCE NO. 2014-1 passed.

Connie Kirchner submitted written comments into the minutes pertaining to the fireworks discussion.

1) It is not about who likes or dislikes fireworks. 2) It is not about who wants the convenience of shopping for fireworks in the city. 3) It is not about fireworks making money for anyone. It is public safety. She refers to City Officials Legal Handbook: Page 50, item b. (setting forth specific powers and authorities of the city council). States: Enacts all codes, rules and regulations for the general public's health, safety and welfare.

Bob McCue said there is no place in the city that is 200 feet away from any structure from which a firework can be legally set off according to KY state statutes. Susan Marcum expressed concern for safety and expressed dire concern that the ordinance is being changed for one vendor. Bob McCue and Connie Kirchner agreed. The city council originally agreed to only allow Mid-America Fireworks to finish out the three year lease with Bob Jones pending the altering the traffic flow. City Attorney says that Mid-America Fireworks is the only business that will qualify under the non-conforming use statute because he sold fireworks before the original ordinance was created. Bob Dalton questioned of what benefit passing this ordinance is to the city. Discussion was also made as to whether or not and how much to charge for the permit.

The City Attorney gave the 2nd reading of ORDINANCE NO. 2014-2, AN ORDINANCE PROHIBITING THE TEMPORARY OR SEASONAL SALE OF COMMERCIAL OR RETAIL PRODUCTS, INCLUDING FIREWORKS, WITHIN THE CITY LIMITS OF THE CITY OF ORCHARD GRASS HILLS, KENTUCKY. **A roll call vote was taken.**

Role Call Vote:

Bob McCue – No

Scott Pierce – Yes

Bob Dalton – Yes

Susan Marcum – No

Daniel Lira – yes

Connie Kirchner – No

The Mayor cast the tie breaking vote with Yes in favor of the ordinance. ORDINANCE #2014-2 passed.

The city council will issue a permit subject to yearly approval. There will be no permit charge for this current year.

POLICE REPORT

The March 2014 police report was emailed to city council members and discussed. No Oldham County police were present today.

COMMUNITY FORUM

Sheriff Steve Sparrow addressed the city council to say that the Sheriff's department is here to support the city and lend assistance. He suggests consulting the county attorney to get a legal ruling regarding fireworks. Oldham County Sheriff's office has a good relationship with the Oldham County Police Department. Currently only the OC Police patrol the city.

Mayor posed the question regarding complaints of drug activity at Graham Village Apartment which backs into the city. The Graham Village fence is broken down and several of our residents have seen it used as a pass through to Briar Hill Park. The apartment management company has been contacted by the city but we have not seen fence repairs. The Sheriff acknowledges that there have been chronic issues with activity in that apartment complex. They cannot go in without probable cause and it is difficult to monitor continually. Arrests have been made in there. Magistrate Dye and the Sheriff are in communication regarding activity at Briar Hill.

The difference between county police and sheriff's department is that 3x smaller. They do the exact same thing as county police. Police take first responses. Sheriff's serve subpoena's, warrants, carry and conceal weapons, vehicle inspections, evictions, set outs, and prison transports as well as civil processes such as protecting the courts. They prefer the county police to take first responses. If the police need extra patrols the sheriff's office will provide support. They are trained exactly the same. Sheriff can take care of civil and criminal activity. County police can only care for criminal activity. The Sheriff's office is fee based with a 0 based budget. The Sheriff is up for re-election and asks for continued support.

County Judge Voegelé addressed the city council. During his last visit he was told the police were not coming regularly. They have made 1 meeting so far this year and he will investigate as to why. Mayor has talked to the police chief and things have improved with citations so he is not as worried if there is not a monthly police presence. The Judge is up for re-election and asks for continued support. One of the last primary goals was having the county debt paid down. It was 14.1 million dollars and it is now 5.4 million in 4 years. There has been no tax increase. They cleaned up Hwy 146 and eliminated unwanted buildings near Oldham County High School and put a turn lane at the intersection. They are building a bridge over interstate 71 to get into the Oldham Reserve Office Park, a 1000 acre office park.

The Judge asked for suggestions as to how to improve Briar Hill Park. They doubled the park size at Westport on the Ohio River. Improved ambulance service from losing money and moved it to Baptist Health who is doing the billing on a year by year basis, but it is still owned by the county. Fiscal Court may need to make some decisions regarding fireworks as many stands are popping up around the county. It is a matter of public debate where the safety line is drawn. He goes along with what the fire chief says can be managed.

Ed Basquill of Veolia addressed the city council regarding the 40 year old city sewer plant. This past week there was severe event with 5 inches of rain which was a 25 year event which overwhelmed the plant. They turned the blowers off so solids did not go in the water. But when it was turned back on, the odors increased temporarily. The old plant is 300,000 gallons a day. The new plant will handle 4 million gallons a day. By November 2014 the bids must be completed. At the post-bid meeting a start-date will be set. After that it will take 15-20 months.

Wesley Kyle has spoken to a new resident who is interested in revitalizing the neighborhood watch program. A resident has indicated on Facebook that tools were stolen from his locked truck.

Jackie Francis has identified new residents to the city and she and the Mayor will be presenting welcome baskets to new people. A Facebook post has issued a request for donations for the welcome baskets from neighbors.

ENGINEER'S REPORT

Resident at 9206 Timothy Place has an ongoing erosion problem. City Engineer will look at the problem.

After the torrential rain, many ditches in the city are clogged with debris. Sidewalk grass seed needs to be re-seeded as it was washed away. There are some new holes from the rain. The sidewalk connectors were pitted by the excessive salt use. Bob McCue says that the grass seed spread by Louisville Water has a 1 year warrantee.

NEW BUSINESS

City Treasurer presented a proposed Budget Worksheet for July 2014 through June 2015. The city has control over the city tax rate. City cannot increase taxes more than 4% per year but it has not been raised for several years. City council must assess revenue needs and also has the option to decrease rates. We are a number of years behind on the audit. City Treasurer will pursue the audit this year. Mayor will inquire about costs and police/sheriff availability regarding increasing patrols in the city.

City Treasurer presented the first reading of ORDINANCE NO. 2014-3, AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF ALL REAL PROPERTY WITHIN THE CORPORATE LIMITS OF ORCHARD GRASS HILLS, KENTUCKY, AND THE LEVYING OF AN AD VALOREM TAX THEREON FOR CITY PURPOSES.

City Treasurer presented the first reading of ORDINANCE NO. 2014-4, AN ORDINANCE APPROPRIATING CERTAIN AMOUNTS OF MONEY FOR THE GENERAL OPERATING PURPOSES OF THE CAPITAL EXPENDITURES FOR THE CITY OF ORCHARD GRASS HILLS FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015.

Bob McCue is identifying which street lights need new globes. He will get an estimate on the paintball damage on city signs from the perpetrator who has started to pay for repairs to houses he has damaged.

Bob Dalton has done inquiries as to how to repair the city entrance signs, he may know who to contact as to how much it will cost to get the sign cleaned.

Susan Marcum **made a Motion** for the meeting to be adjourned. Bob McCue **seconded the Motion**. **The Motion passed.** The meeting was adjourned at 10:09 p.m.

RESPECTFULLY SUBMITTED BY:
Doug Lalli, Mayor and Ruth LeMaster, City Clerk.
Next meeting will be on May 13, 2014 at 7:30 p.m.