

MINUTES OF COUNCIL MEETING
APRIL 13, 2006
6:30 P.M.

The Murray City Council met in regular session on Thursday, April 13, 2006, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Lance Allison, Dan Miller, Doris Parham, Pete Lancaster, Rita Henley, Danny Hudspeth, Hugh Massey, Robert Billington, Pat Scott, Jason Pittman, Butch Seargent, and Bill Wells.

Council Members Absent: None.

Staff Present: J. L. Barnett, Don Leet, Ken Claud, Michael Skinner, Don Rogers, Thomas Clendenen, Philip Morris, David Roberts, Candace Dowdy, Matt Mattingly, Philip Morris, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held March 23, 2006, were presented for approval. **Mr. Massey moved, seconded by Mr. Wells**, to approve the minutes as written. Dr. Miller stated that the council had asked to have the monetary amounts for Ordinance Number 2006-1403 stated in the minutes. **Dr. Miller moved, seconded by Mr. Wells** to amend the minutes to include same. With no further discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Minutes of the special council meeting held April 3, 2006, were presented to the council for approval. **Mr. Billington moved, seconded by Ms. Parham**, to approve said minutes as written. With no discussion, Mayor Rushing called for the voice vote, which was unanimous in favor of the motion.

Mae Flint, Tourism Director, was present to request the council's approval for expending \$30,000 from the escrow account for renovations to the Expo Center. Ms. Flint provided the council members with a request from the West Kentucky Livestock and Exposition Center for \$56,940. She stated that the Tourism Commission reviewed their request and informed them of the items that the Commission could assist them with. The Commission stated that \$30,000 of the requested items can be covered by the 1% portion of the room tax. She stated that Murray State will match some of the funds. **Dr. Miller moved, seconded by Mr. Massey** to approve providing support to the Expo Center in the amount of \$30,000, with said funds coming from the 1% portion of the room tax. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Ordinance Number 2006-1403 an ordinance amending Ordinance Number 2005-1379, which adopted the 2005-2006 City of Murray, Kentucky, annual budget by restating certain expenditures for the City of Murray Operations Budget, regarding special appropriations for Phase II renovation of the Calloway County Renaissance Center regarding Alternate Bid 2 in the amount of \$16,396 and Alternate Bid 3 in the amount of \$18,949 was presented to the council for a second reading. **Ms. Henley moved, seconded by Ms. Parham** to adopt said ordinance.

With no further discussion, Mayor Rushing called for a roll call vote which is recorded as follows:

AYES: Lance Allison, Danny Hudspeth, Hugh Massey, Dan Miller, Doris Parham, Rita Henley, Pete Lancaster, Jason Pittman, Pat Scott, Robert Billington, Butch Seargent, and Bill Wells.

NAYS: None.

Mayor Rushing declared Ordinance Number 2006-1403 adopted on a second reading and recorded in Ordinance Book Number 6, Page _____.

Ordinance Number 2006-1404 an ordinance zoning the proposed annexation of a 23.829 acre tract of land located on Robertson Road South and owned by Dale Campbell, D&D Incorporated, as R-2 (single family residential) was presented to the council for a first reading. **Mr. Billington moved, seconded by Mr. Pittman** to approve same.

With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Lance Allison, Danny Hudspeth, Hugh Massey, Doris Parham, Dan Miller, Rita Henley, Pete Lancaster, Jason Pittman, Pat Scott, Robert Billington, Butch Seargent, and Bill Wells.

NAYS: None.

Mayor Rushing declared Ordinance Number 2006-1404 approved on the first reading.

Ordinance Number 2006-1405 an Ordinance amending Ordinance Number 2005-1379, which adopted the 2005-2006 City of Murray, Kentucky annual budget by restating certain revenues and expenditures for the City of Murray Operations Budget, regarding amending the budgeted amount for the street sweeper from \$100,000 to \$112,235 was presented to the council on a first reading. **Mr. Wells moved, seconded by Mr. Massey** to approve said ordinance.

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Lance Allison, Danny Hudspeth, Hugh Massey, Doris Parham, Dan Miller, Rita Henley, Pete Lancaster, Jason Pittman, Pat Scott, Robert Billington, Butch Seargent, and Bill Wells.

NAYS: None.

Mayor Rushing declared Ordinance Number 2006-1405 approved on a first reading.

Mayor Rushing recognized Danny Hudspeth, Chair of the Public Safety Committee, and requested that he provide a report. Mr. Hudspeth stated that the committee discussed and

reviewed ordinances from various cities regarding noise. He stated that the committee has asked Chief Claud and Don Elias to work with the city attorney to draft an ordinance which can be brought back to the full council.

Mr. Hudspeth stated the committee briefly discussed the City's animal control ordinance. He stated that the ordinance is working fine and is able to address the issues our City has.

Mayor Rushing recognized Lance Allison, and requested that he provide a report from the Public Works Committee. Mr. Allison stated the committee met to review a subdivision plat from Paul Garland. The property is located on Squire Hale Road and contiguous with the City.

Mr. Garland requested that the City extend water service to the property. Mr. Allison stated that there will be a deed restriction placed in the deed from Mr. Garland to the purchaser, which states that the City can annex when the City is ready.

Mr. Allison stated the City has a policy which states that services will not be extended to property that is not located in the City limits; however, placing this deed restriction in the necessary documents will allow the City to annex the property without the property owners having to consent.

Mr. Allison moved, as recommended by the Public Works Committee on a vote of 3 to 2, to provide services to property owned by Paul Garland outside the City limits. Said property will have a deed restriction that requires a perpetual restrictive covenant running with the land. The said restrictive covenant requires that the purchasers, and their heirs, successors and assigns shall seek annexation into the city limits of Murray, Kentucky at the earliest possible date and further that neither the purchaser, their heirs, successors or assigns shall oppose annexation into the City of Murray, Kentucky at such time as the City Council of Murray enacts annexation legislation which includes purchaser's property. The consideration for this restriction shall be the providing of gas, sewer and/or water service to purchaser's property, which is a benefit of significant value. Ms. Henley seconded the motion.

David Roberts, Director of Planning and Engineering, stated that the property is located adjacent to the City limits and the property owners want to develop it. Mr. Roberts stated that the plans to serve existing property within the City limits is to extend the sewer line from the intersection of Wiswell Road back to the northwest to serve Saratoga Unit III in the next three to five years, and we are committed to do this in the future. It was part of the agreement to bring this property into the City. The cost will be approximately \$350,000 to \$400,000. We are obligated to serve to the existing City limits and Mr. Garland would serve the Saratoga Farms property. The City would be obligated to run the sewer line north and south to serve those properties which would cost approximately \$114,000 to \$120,000. At such time that sewer would become available, the property owners would be annexed into the City. Normally, the developer would bear the cost to run the sewer within the development.

The existing 8" water line is currently at Timber Trails and northwest corner of Timber Trails Subdivision on Squire Road and would have to be extended approximately 1400 feet to be able to get to the development of Saratoga Farms back to the west. The cost has been estimated at \$27,000 for that extension and then the extension within the development itself, which is the

responsibility of the developer, is estimated at \$50,000, for a total cost of \$77,000. However, the developer has committed to running the water the 1400 feet at no cost to the City in order to provide this development with City water.

Mr. Elias stated the biggest concern is that if this property is not served by City water now and the property owners put in their own wells and septic tanks, the City may be in a position to not be able to annex the property if the property owners choose not to. If we do this, we could annex the property on our time table.

Mr. Roberts stated he does not know how long it will take to get sewer out to the property. It depends on what the current market is and what the development is. It depends, it may be three to five years or even ten years, before the service is needed in the current area annexed into the City.

Mr. Roberts stated that the deed restrictions will have to be included before the final plat approval.

With no further discussion, Mayor Rushing called for the roll call vote, which is recorded as follows:

AYES: Lance Allison, Danny Hudspeth, Hugh Massey, Doris Parham, Dan Miller, Rita Henley, Pete Lancaster, Jason Pittman, Pat Scott, Robert Billington, Butch Seargent, and Bill Wells.

NAYS: None.

Mayor Rushing stated the recommendation approved.

Mr. Wells provided the following information for the 55th Make a Difference Day held March 25, 2006: 590 cars went through the line; 338 eyeglasses; 29 tons of paper; 200 inkjet cartridges; 20 cell phones; 2680 pounds of glass; 1000 pounds of aluminum cans; 150 gallons of oil; and 1000 pounds of clothes. Mr. Wells stated the next Make a Difference Day is May 20th.

With no further business to come before the council, the meeting adjourned at 7:30 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk