

**MINUTES OF COUNCIL MEETING
SEPTEMBER 25, 2008
6:30 P.M.**

The Murray City Council met in regular session on Thursday, September 25, 2008, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Danny Hudspeth, David Ramey, Dan Miller, Pat Scott, Jeremy Bell, Butch Seargent, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, Jane Brandon, Butch Seargent, and Bill Wells.

Council Members Absent: None.

Staff Present: Ken Claud, J. L. Barnett, David Roberts, Ron Allbritten, Philip Morris, Cathy Morris, Michael Skinner, Candace Dowdy, Alan Lanier, Matt Mattingly, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held September 11, 2008, were presented for approval. **Mr. Scott moved, seconded by Dr. Miller**, to approve the minutes as written. With no discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Matt Mattingly, Director of Administration, stated this project started in June 2007. Deanna Wright presented the Heritage Council assessment performed in 2007 which indicated that the City of Murray needed to activate the Architectural Review Board. He stated that after doing some research, a historic overlay was never established. Therefore, that process needs to be complete. Mr. Mattingly stated that if there is not a historic district overlay established then Murray Main Street will be disbanded as well as the Architectural Review Board.

Mayor Rushing entertained a motion to open the public hearing to receive comments setting the boundaries for the Historic Overlay District. **Mr. Hudspeth moved, seconded by Mr. Pittman** to open the public hearing. With no comments, the vote was unanimous to open the public hearing.

Mayor Rushing asked that all individuals in favor of the proposed historic district overlay speak first and those against can speak after.

Deanna Wright, Director for Murray Main Street, was present in favor of the historic district overlay. She stated that this will be very important to the Main Street Program and is an important piece of the Comprehensive Land Use Plan and the Goals and Objectives set by the Planning Commission. She stated that without the historic overlay district and the Architectural Review Board and Murray Main Street there will be no funding available to move forward with those plans of revitalizing the downtown area. She stated that the downtown area has received millions of dollars and that is because we had a Main Street Program and a goal of historic preservation.

Roger Reichmuth, 514 South 6th Street, stated that there are some 2400 local historic districts in the United States. He stated it was a nationwide wave, especially as we experienced urban sprawl and movement away from downtown areas. Mr. Reichmuth stated it was a way to protect the downtown culture and history of towns. He stated it has been shown that in towns that have enacted such districts, neighborhoods have come up and it has been a nice mix of business and residential. He stated that this is about exterior structures in terms of what has to do with the use of properties. He stated that this also has to do with whether a place is considered historic property. He stated the main thing is the opportunity we have in Murray, Calloway County, for grant money when it becomes available and being able to have something to do with our infrastructure downtown. He stated that you have a downtown that has people living there, therefore it is a safer area; you have a nice mix of retail, professional mix; and a downtown that is a component part of Murray, Calloway County that attracts industry and people to us and makes us different from communities that haven't had this vision.

Phil Moore, 115 S 4th Street, stated that he is a realtor downtown. He stated that this is a jewel for Western Kentucky. He stated that being in the real estate business, he hears all the time is the University and the court square and how charming it is. He stated it reflects and creates a major part of the decision process for the people that are coming in to Murray and it is a big plus that he sees every day.

Patricia Holton, 501 Poplar Street, stated that she is also for the historic overlay district. She stated she is concerned that there are as few homes left in their original condition in Calloway County. She said the reason for that is it is expensive and devotion. She felt community support and money would encourage more people. She stated her home was built in 1896. Ms. Holton believes we have lost some beautiful old homes and thinks adopting this might prevent that loss.

Cindy Reichmuth, 514 S 6th Street, stated that she is a member of the Architectural Review Board. She stated she thinks she was chosen to be on the board because she is concerned about the neighborhoods downtown and is active in trying to keep them safe and beautiful. She believes that is the purpose of the board members and that they want the downtown to remain beautiful and viable. She stated the board is not there to say what a property owner cannot do but to keep the property value high and keep a neighbor from doing something to their home that may devalue a piece of property.

Mark Welch, 1322 Main Street, owns the Woodmen of the World Building. He stated that his first hometown is Fulton and is sad that they do not have this sort of vision for the future. He stated they have suffered economically and the downtown area has had historic buildings torn down.

Mayor Rushing then provided the opportunity for those individuals opposed to the adoption of the historic overlay district.

Terry Hart, 1216 Dogwood, owns Murray Lumber Company. He stated that he is not really opposing the overlay district but to get the boundaries changed. He stated that it is a good

program and if the people who are taxpayers in the proposed boundary do not wish to be part of the area, then they should not have to be. Mr. Hart said that the people who pay the taxes for the property within the area should not be forced to be in the area.

Jack Wager, owns 104 East Poplar Street, stated he is not against the program either but does not want his property within the boundary. He stated that area is not on Main Street and does not have people coming to that area and it is an industrial area. He stated the restrictions and penalties that are contained within the overlay program are difficult to accept.

Amy Roos, 202 S 6th Street, is opposed to the historic overlay district. She stated she has attended the meetings and does not feel like all of her questions have been answered. She stated there were questions brought up about whether a property is historic or not and was told that even if it is not historical you still have to submit something to get approved.

Dan McKeel, 708 Olive Street, owns property located at 503 Walnut Street and goes along with what Terry Hart said. He agrees the Main Street organization has done good work and does not see anything wrong with the idea of the overlay district; however, he does have concerns with where the boundaries lie. He stated that he has concerns about his property being within the district.

Bobby Copeland, 605 Olive Street, stated that he attended the meeting in June. He stated that during part of the meeting a woman talked about someone had put cedar siding on their house. Mr. Copeland bought his house in the 1980's with cedar siding because he liked the way it looked and added a top floor in the 1990's and does not think that would be approved if the historic overlay district was in place. He would like the 600 block removed from the boundary recommendations.

Bob Nanney, 107 N 4th Street, owns two properties in the proposed boundaries. He stated that he would like to be left out of the proposed boundary as well. He agrees with Terry Hart. He stated there are some nice buildings that have come out of the Murray Main Street program but the traffic situation in downtown is atrocious. He stated the pedestrian bulbs have negatively affected the traffic.

Mayor Rushing entertained a motion to close the public hearing. **Mr. Billington moved, seconded by Mr. Lancaster** to close the public hearing. With no comments, the vote was unanimous to close the public hearing.

Ms. Brandon wanted to know if a property owner would have to get permission to install a driveway. Mr. Mattingly stated that they would not. Deanna Wright stated that a conforming property is one that is built prior to 1952; however, if it has had a great deal of work performed on it that has taken away the historical integrity of it, then it is a non-conforming property. Corn-Austin would be a non-conforming building. It is not on the national register of historic district properties because it was not originally built with the plaster on the side of it.

Government buildings are exempt for the requirements but would still be required to go through the same process of all property owners within the district.

Mayor Rushing recognized Robert Billington, Chairman of the Public Works Committee and requested that he provide a report. Mr. Billington stated the committee met to review bids for 10th and Payne Street drainage improvement. Mr. Billington stated there was only one bid received from Murray Paving in the amount of \$112,425, which is over budget. **Mr. Billington moved, as unanimously recommended by the Public Works Committee,** to accept the bid of Murray Paving in the amount of \$112,425. **Mr. Bell seconded the motion.** With no questions, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Mayor Rushing recognized Robert Billington, Chairman of the Health Insurance Committee and requested that he provide a report. Mr. Billington stated that the committee met to discuss Western Baptist Hospital leaving our network. Mr. Billington stated that the employees would be notified of the change. He further stated that if the procedure is not done at Lourdes, then Western Baptist will perform the procedure in network

Ordinance Number 2008-1472 (second reading) an ordinance to levy an ad valorem tax in the City of Murray, Kentucky for the year 2008 upon all property in the City of Murray as shown by the Calloway County Assessment as of January 1, 2008 was presented to the council on a second reading. **Mr. Pittman moved, seconded by Mr. Lancaster** to adopt said ordinance. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, David Ramey, Robert Billington, Jane Brandon, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance adopted on a second reading and recorded in Ordinance Book Number 7, Page _____.

Ordinance Number 2008-1473 (second reading) an ordinance to levy an ad valorem tax in the City of Murray, Kentucky for the year 2009 upon all motor vehicles and watercraft in the City of Murray, Kentucky was presented to the council on a second reading. **Mr. Billington moved, seconded by Mr. Bell** to adopt said ordinance. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, David Ramey, Robert Billington, Jane Brandon, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance approved on a second reading and recorded in Ordinance Book Number 7, Page _____.

Ordinance Number 2008-1474 (second reading) an ordinance was presented to the council on a second reading to rezone a 1.215 acre portion of land located at 506 Industrial Road from Floodway to Industrial based on the following findings: 1) the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; and 2) based on an Engineer Certification, this portion of land is located outside the Special Flood Hazard Area as shown on FEMA Flood Maps. Said property is owned by Jerry Duncan. The Planning Commission approved this recommendation by a vote of 6-0. **Mr. Seargent moved, seconded by Mr. Pittman** to adopt said ordinance. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, David Ramey, Robert Billington, Jane Brandon, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance adopted on a second reading and recorded in Ordinance Book Number 7, Page _____.

Resolution Number 2008-012 authorizing the Mayor to execute documents between the Kentucky Transportation Cabinet and the City of Murray regarding Safe Routes to school Program in the amount of \$250,000. **Mr. Bell moved, seconded by Mr. Lancaster** to approve said resolution. This will encompass Main Street from 16th to Broach on the north side; Poplar Street from 12th to 16th Street; Sycamore will run from 16th to Doran Road; Locust to go from Broach to Hickory; and Williams from Locust to Main Street; and on Hickory it will go from Locust to Main. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Municipal Order 2008-16 reappointing Jennifer Morris to the Murray Calloway County Transit Authority for a four year term to expire September 19, 2012. **Mr. Wells moved, seconded by Mr. Billington** to approve said municipal order. With no discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

With no further business to come before the council, the meeting adjourned at 7:35 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk