

Jack Rose
Mayor



City of Murray



COUNCIL MEETING AGENDA March 9, 2017 6:30 P.M.

- 1) **Call to Order**, welcome to guests, and moment of silence
- 2) **Pledge of Allegiance to the Flag** Burton Young
- 3) **Minutes** Council Meeting of February 23, 2017
- 4) **Minutes** Special Called Council Meeting of March 6, 2017
- 5) **Mayor's Report**
 - a) Property/facility update
 - b) Mayor's Committee to Review Needs, Expenditures, and Revenue Sources
 - c) Renaissance Park Dedication
 - d) Draft Budget Calendar—Luke Crawford
- 6) **Public Comment** (Prior arrangement through the Mayor's Office)
- 7) **Quarterly Financial Report**
- 8) **Report** Personnel and Finance Committee Chair, Johnny Bohannon
- 9) **Report** Public Works Committee Chair, Danny Hudspeth
- 10) **Ordinance Number 2017-1725** amending the City of Murray Code of Ordinances Chapter 71: LICENSING, specifically §71.01, §71.02, §71.03, §71.04, §71.05, §71.06, §71.07, §71.08 and §71.99, in order to improve, modify, clarify and streamline the procedure for purchasing a License and to improve the procedures for enforcement of the License requirement
- 11) **Ordinance Number 2017-1726** amending the City of Murray Code of Ordinances Chapter 110: GENERAL LICENSE REQUIREMENTS, specifically §110.01, §110.02, §110.03, §110.04, §110.05, §110.06, §110.07, §110.08, §110.09 §110.10 §110.11 §110.12 §110.13 §110.14 §110.15 §110.16 and §110.99, in order to improve, modify, clarify and streamline the procedure for purchasing a General License and to improve the procedures for enforcement of the General License requirements
- 12) **Recommendation** from the Planning Commission to annex the property located at 255 King Richard Drive, identified as Tax Map Parcel ID #043-C-0010-00002 and owned by Roger Haney into the city limits of Murray
- 13) **Recommendation** from the Planning Commission to annex the 20.01 acre tract of land located on the east side of Brinn Road 950' +/- south of the intersection of Brinn Road and Poor Farm Road and owned by City West, LLC, into the city limits of Murray

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14) Adjournment

PERSONNEL AND FINANCE COMMITTEE MEETING

5:00 – 6:15 p.m.

**Johnny Bohannon, Chair; Robert Billington, Wesley Bolin,
Linda Cherry, Danny Hudspeth, Jason Pittman**

1. Chamber of Commerce Facility (5:00 - 6:00)
2. Licensing amendments (6:00 - 6:15)

PUBLIC WORKS COMMITTEE MEETING

6:15 – 6:25 p.m.

**Danny Hudspeth, Chair; Jeremy Bell, Johnny Bohannon, Dan Miller,
Jane Shoemaker, Burton Young**

Water Department chemical tank bids

MINUTES OF COUNCIL

February 23, 2017

6:30 P.M.

The Murray City Council met in regular session Thursday, February 23, 2017, at 6:30 p.m. in the Council Chambers of City Hall with Mayor Jack Rose presiding.

Council Members Present: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young

Council Members Absent: None

Staff Present: Luke Crawford, Jaimey Erwin, Gerald Gilbert, Summer Grogan, Tom Kutcher, Chief Liles, Cathy Morris, David Roberts, Sergeant Shutt, Matthew Turner, City Attorney Warren Hopkins

After a moment of silence, Wesley Bolin led the Pledge of Allegiance to the Flag.

Mayor Rose welcomed Council members and guests and called the meeting to order.

The Minutes of the Council Meeting of February 9, 2017, were presented for approval. **Ms. Shoemaker moved; seconded by Mr. Roberts.** All voted aye.

Mayor Rose presented the Mayor's Report as outlined below:

- a) Mayor's Committee to Review Needs, Expenditures, and Revenue Sources—1st meeting location change—Dr. Miller presented meeting dates and said the first meeting would be held in Council Chambers of City Hall and consist of mainly an organizational planning session.
- b) Renaissance Park Dedication—time and date—Dr. Miller stated the dedication ceremony would be held on March 17, 2017, at 2:00 p.m. He said donors would be in attendance and invited all to attend.

Mayor Rose recognized Antonia Faulkner who presented information regarding the Election Board's recent consolidation of certain precincts. Ms. Faulkner said the realignments would reduce the number of precincts (and thus, machines and workers). She said the changes would not affect any voter's stance or privileges and voters will be notified of any polling location change well in advance of voting day.

Todd Solomon presented status updates on current Wastewater System projects. He said the WWTP project was still on schedule to be completed January 2019, and construction photos were updated weekly on the City of Murray website.

Mayor Rose recognized Sergeant Brant Shutt, who presented the ABC Quarterly Report (October – December 2016). Sergeant Shutt said despite changes in adjoining counties, violations and the income from regulatory fees remained basically unchanged. Council discussed enforcement, monitoring and reporting.

Health Insurance Committee Chair, Robert Billington, said the Health Insurance Committee met prior to the Council Meeting for a 2017 claims review with broker John McConnell, representatives Brooke Hupp

and Brian Vargas from MedBen. Mr. Billington said everything was good including the trust balance and no action was taken.

Personnel and Finance Committee Chair, Johnny Bohannon, said the Personnel and Finance Committee met prior to the Council Meeting to discuss the Chamber facility and transferring surplus vehicles to the Parks. He said the Personnel and Finance Committee would meet jointly with the Chamber of Commerce Finance Committee on March 9, 2017, at 5:00 p.m. to further discuss the Chamber facility and no action was taken on the matter. Chair Bohannon said the Committee also discussed transferring three vehicles to the Parks and recognized Matt Turner, Chief Mechanic at the City's Central Garage. Mr. Turner stated the vehicles (listed below) were chosen by Interim Parks Director, Bill Marcum, and had an estimated value of \$10,900:

Vehicle #	Department	Vehicle Type	Year	Make	Model
S-33	Planning & Eng	1/2 Ton Pick-Up Reg 4x2	1996	Ford	F-150
F-41	Planning & Eng	Dakota Pick-Up Reg 4x2	2001	Dodge	Dakota
S-2	Street	1/2 Ton Pick-Up Reg 4x2	2001	Dodge	RAM 1500

Municipal Order Number 2017-012 transferring vehicles (declared surplus by the Murray City Council on September 22, 2016) to the Murray Calloway County Parks was presented for approval. **Mr. Bohannon moved to approve; seconded by Mr. Pittman.** All voted aye.

Ordinance Number 2017-1721, an ordinance amending Ordinance Number 2016-1705 which adopted the FY 2016-2017 City of Murray, Kentucky, Annual Budget by restating certain revenues and expenditures for the City of Murray Operations Budget in order to revise capital expenditures in the Public Works section was presented for approval on second reading. **Mr. Hudspeth moved; seconded by Mr. Bohannon.**

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young
Nays: None

Ordinance Number 2017-1722, an ordinance amending the City of Murray Code of Ordinances Chapter 99 NUISANCES, specifically §99.99, PENALTY, in order to bring the chapter into compliance with Kentucky General Assembly House Bill 422, signed into law on April 9, 2016 was presented for approval on second reading. **Mr. Billington moved; seconded by Mr. Pittman.**

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young
Nays: None

Ordinance Number 2017-1723, an ordinance amending the City of Murray Code of Ordinances Chapter 90, ANIMALS, specifically §90.99, PENALTY, in order to bring the chapter into compliance with Kentucky General Assembly House Bill 422, signed into law on April 9, 2016 was presented for approval on second reading. **Mr. Pittman moved; seconded by Mr. Roberts.**

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young
Nays: None

Ordinance Number 2017-1724, an ordinance amending the City of Murray Code of Ordinances Chapter 158, PROPERTY MAINTNANCE CODE, to include a new section specifically §158.99, PENALTY in order to bring the chapter into compliance with Kentucky General Assembly House Bill 422, signed into law on April 9, 2016 was presented for approval on second reading. **Mr. Bohannon moved; seconded by Mr. Bolin.**

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Dan Miller, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young

Nays: None

Mayor Rose stated two candidates applied for Hospital Board vacant positions—Loretta Jobs and Lisa Shoemaker. He said Lisa Shoemaker was appointed by the Calloway County Fiscal Court on Tuesday and Loretta Jobs was available to fill position #6.

Municipal Order Number 2017-011 appointing Loretta Jobs to the Hospital Board (position #6) for a four (4) year term to expire March 31, 2021, was presented for approval. **Mr. Bohannon moved; seconded by Mr. Roberts.** All voted aye.

With no other business before the Council, **Mr. Billington moved to adjourn; seconded by Mr. Bohannon.** All members present voted aye. The meeting adjourned at 7:12 p.m.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

MINUTES OF SPECIAL CALLED COUNCIL MEETING

March 6, 2017

6:30 P.M.

The Murray City Council met in a Special Called session Monday, March 6, 2017, at 6:30 p.m. in the Council Chambers of City Hall with Mayor Jack Rose presiding.

Council Members Present: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young

Council Members Absent: Dan Miller

Staff Present: Chief Liles, Cathy Morris, David Roberts, City Attorney Warren Hopkins

After a moment of silence, Robert Billington led the Pledge of Allegiance to the Flag.

Mayor Rose welcomed Council members and guests and called the meeting to order.

Mr. Bell moved for Council to enter executive session in accordance with KRS 61.810 (1)(b) for the purpose of deliberations on the future acquisition or sale of real property by a public agency, such that any public notice would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency; **Ms. Shoemaker seconded.** All present voted aye. (6:35 p.m.)

Mr. Bell moved for Council to leave executive session; **seconded by Mr. Bohannon.** All present voted aye. (7:20 p.m.)

Resolution Number 2017-003, a resolution authorizing the mayor of the City of Murray, Kentucky to execute any and all necessary documents to negotiate and finalize the purchase of real and personal property located at the corner of 500 Main Street, identified on Tax Parcels 009-8-5; 009-8-6; 009-8-7; 009-8-8, 009-8-9; 009-8-10; 9-7-7 and 9-7-8, which is more particularly described in the proposed purchase contract between the City and Branch Banking & Trust Company was presented for approval.

Mr. Bohannon moved; seconded by Ms. Shoemaker. Mayor Rose called for a roll call vote.

Ayes: Jeremy Bell, Robert Billington, Johnny Bohannon, Wesley Bolin, Linda Cherry, Danny Hudspeth, Jason Pittman, John Mark Roberts, Pat Scott, Jane Shoemaker, Burton Young

Nays: None

With no other business before the Council, **Mr. Billington moved** to adjourn; **seconded by Mr. Bohannon.** All members present voted aye. The meeting adjourned at 7:25 p.m.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

City of Murray
Tentative FY2018 Consolidated Budget Schedule
March 1, 2017

Date	Agenda	Note
Thur, Mar 2	Budget notification released to Directors.	Will be released via email, discussed at Staff Meeting (3/7)
Wed, Mar 15	Initial budget requests returned to Finance Director	
Mar 16-24	Budget requests reviewed by Mayor and Finance Director	
Mar 27-Apr 4	Mayor and Finance Director meet with Directors to review requests	Date and time TBD
Apr 5-10	Mayor & Finance Team finalizes FY2016 budget	
Tue, Apr 11	Mayor & Finance Team meets with Finance Committee Chair to review budget objectives	Date and time TBD
Tue, Apr 11	Mayor/Finance Team presents budget to Finance Committee	5:30 in Council Chambers Committee Room
Tue, Apr 25	Mayor/Finance Team presents budget to Finance Committee	5:30 in Council Chambers Committee Room
Tue, May 2	Open for possible (special) meeting if needed	5:30 in Council Chambers Committee Room
Thu, May 11	Council - Public Hearings and first reading of budget ordinance	6:30 in Council Chambers
Thu, May 25	Council - Second reading of budget ordinance	6:30 in Council Chambers

****NOTE: Schedule is subject to change****

ORDINANCE 2017-1725

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §71 LICENSING, SPECIFICALLY §71.01 DEFINITIONS; §71.02 LICENSE REQUIRED; §71.03 APPLICATION; §71.04 ISSUANCE AND DISPLAY OF LICENSE; ANNUAL FEE; §71.05 DISPOSITION OF FEES; §71.06 LOSS OR TRANSFER OF LICENSE; §71.07 EXEMPTIONS; §71.08 LATE FEE; AND §71.99 PENALTIES AND VIOLATIONS IN ORDER TO IMPROVE, MODIFY, CLARIFY AND STREAMLINE THE PROCEDURE FOR PURCHASING A LICENSE AND TO IMPROVE PROCEDURES FOR ENFORCEMENT OF THE LICENSE REQUIREMENT.

WHEREAS, the City of Murray desires to amend Chapter §71 in all respects, specifically §71.01, §71.02, §71.03, §71.04, §71.05, §71.06, §71.07, §71.08 and §71.99, in order to improve, modify, clarify and streamline the procedure for purchasing a license and to improve the procedures for enforcement of the license requirement.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §71 of the City Of Murray Code Of Ordinances and believe the changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

CHAPTER 71: LICENSING

§71.01 is hereby amended to read in its entirety as follows:

§ 71.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACQUIRE." To come into possession or ownership of an item of personal property subject to this Ordinance, including, but not limited to the following: a motor vehicle or motorcycle. Further, "ACQUIRE" shall mean to engage in a work related activity, a temporary work related activity or intermittent work related activity, as found in the context of this ordinance.

"BUSINESS RELATED ACTIVITY." The act of operating motor vehicle a or motorcycle to or from any business which is located within the corporate city limits for the purpose of contractual requirements, economic benefit or other forms of business which are legally recognized under the laws of the Commonwealth of Kentucky.

"CITY." The City of Murray, Kentucky.

"CORPORATE CITY LIMITS." The corporate city limits of the City of Murray.

"DAY." Unless otherwise specified in an ordinance, the word "day" shall mean a calendar day.

"INDIVIDUAL." All individuals, trusts, partnerships, limited liability companies, corporations, sub-chapter s corporations and joint ownerships.

"LEASED." A vehicle which is leased by an individual for a period extending beyond ~~28~~ 30 days.

"LICENSE." An adhesive license sticker issued by the city.

"MOPED." A motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

"MOTORCYCLE." Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, ~~including vehicles on which the operator and passengers ride in an enclosed cab~~ but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab and excluding a moped as defined in this ordinance

"MOTOR VEHICLE." All automobiles, trucks, motorcycles and all other motorized vehicle devices which qualify to be operated on the city streets or state highway for the Commonwealth of Kentucky

"NON-RESIDENT." An individual who lives or resides outside the corporate city limits of the City of Murray.

"OPERATE/USE." The act of exercising domain and or control of a motor vehicle or motorcycle whether or not said vehicle is registered in the individual's name.

"PASSENGER VEHICLE." A motor vehicle that is required to be licensed within its state of residency that is capable of transporting operator and/or passengers regardless of shape, make, model, size or classification (i.e. truck, car, recreational vehicle, etc.), which functions on four or more wheels.

"RESIDING."

(1) Ownership or occupancy of real property within the corporate city limits;

(2) Renting or leasing real property with intent to occupy and maintain as a physical presence for a period in excess of ~~28~~ 30 days within the corporate city limits; and

(3) Temporarily staying at a residential location with the intent to occupy and maintain as a physical presence for a period in excess of ~~28~~ 30 days within the corporate city limits

"TEMPORARY OR INTERMITTENT WORK RELATED ACTIVITY." Any work related activity performed on a temporary, random or inconsistent basis.

"WORK RELATED ACTIVITY." The act of operating a motor vehicle or motorcycle to or from a job, job site, employment, whether full-time, part-time, intermittent, or by the job (temporary or full-time).

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§71.02 is hereby amended to read in its entirety as follows:

§ 71.02 LICENSE REQUIRED.

(A) It shall be unlawful for any individual residing within the corporate city limits to own, use, possess, lease or operate any motor vehicle or motorcycle within the corporate city limits, without first obtaining a license from the city.

(B) An individual, ~~(who is required to purchase a license under this chapter), may shall~~ purchase a license from the city by ~~completion of an application~~ furnishing their name; make, model, and year of the motor vehicle or motorcycle; license plate number as affixed to said motor vehicle or motorcycle; and by paying the requisite license fee as established herein.

(C) It shall be unlawful for any individual residing outside (non-resident) of the corporate city limits to own, use, possess, lease or operate a motor vehicle or motorcycle within the corporate city limits without first obtaining a license from the city for the following purposes:

- (1) Traveling to and/or from a work related activity, which is located within the corporate city limits.
- (2) Traveling to and/or from a business related activity which is located within the corporate city limits.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§71.03 is hereby amended to read in its entirety as follows:

§ 71.03 APPLICATION: LICENSING PROCEDURE

(A) Each individual who is required to purchase a license shall ~~make application~~ make a request to the ~~city~~ City of Murray. ~~The application information shall include~~ This request shall include, but is not limited to, the following:

- (1) Name and address of vehicle owner;
- ~~(2) Name and address of lessee of the vehicle, if different from the owner;~~
- ~~(3) Name and address of the individual who will be the principal operator of the motor vehicle;~~
- ~~(4) (2) Make, model and year of the motor vehicle or motorcycle; and~~
- ~~(5) (3) License plate number as affixed to said motor vehicle or motorcycle.~~
- (4) The requisite license fee as established herein.

(B) Any individual who relocates into ~~the corporate city limits~~ or who acquires a work related activity or temporary or intermittent work related activity within the corporate city limits or begins a business related activity must apply for and purchase a license within 30 days of said activity beginning. Failure to meet this requirement shall subject the individual to the penalty section of this chapter.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§71.04 is hereby amended to read in its entirety as follows:

§ 71.04 ISSUANCE AND DISPLAY OF LICENSE; ANNUAL FEE.

(A) Before any individual (who is required to purchase a license under this chapter) for the use of a motor vehicle or motorcycle uses or operates said motor vehicle or motorcycle within the corporate city limits, the individual shall apply for a license as stated within this chapter. The license required of motor vehicles or motorcycles under the terms of this chapter shall be effective as of May 1 31 and the fees hereinafter set forth shall be due and payable on May 1 31, and a like license shall be required as defined in this chapter on May 1 31 of each year thereafter.

(B) Any individual who has acquired or leased a vehicle (who is required to purchase a license under this chapter) shall be required to purchase a license within 30 days of acquiring/purchasing/ leasing said vehicle. The license fee shall be pro-rated on a monthly basis as of the date that the license should have been purchased. Individuals who fail to comply with the 30 day purchase requirement shall not be eligible to receive a prorated fee. Possession of a state license or license tag shall be constructive evidence of ownership and operation of vehicle coming under the provisions of this chapter. Documentation of state registration receipt and/or bill of sale shall be required as proof of acquisition of ownership date.

(C) Any individual who becomes engaged in a business related activity or a work related activity or temporary or intermittent work related activity within the corporate city limits shall be required to purchase a license within 30 days of becoming engaged in said business related activity or work related activity or temporary or intermittent work related activity within the corporate city limits. Documentation from the employer on company letterhead including individual's name, name of employer, and hire date shall be required as proof of business related activity or work related activity acquisition date. In instances where an individual becomes engaged in a temporary or intermittent work related activity the same documentation of proof shall be required in addition to the specific temporary or intermittent dates the employee will be engaged in such activity.

(D) All current year licenses shall be displayed permanently by affixing same to the motor vehicles or motorcycles rear license plate in such a manner as not to deface or obscure any identification markers on said plate. Any renewal license must be placed on the license plate by removing the expired license and replacing with a current license or by affixing the current license on top of the expired license.

(E) In the event this location for placement is determined to be a violation of any state law, including, but not limited to, the Commonwealth of Kentucky, then, the current years license may be displayed on the front windshield (passenger side). In circumstances where an individual has applied the original license sticker to the rear license plate of a motor vehicle or motorcycle in violation of any state law, the individual may remove the insignia adhesive license sticker from the motor vehicle or motorcycle and return at least three fourths of the original sticker or the portion with the identification number to the issuing authority and be issued a window style sticker for the unexpired portion of the license period upon payment of \$1.

(F) Fees. The fees assessed for the license are as follows:

Residents/Non-Residents

	<u>April 1-May 31</u>	<u>June 1-March 31</u>
Passenger Vehicle	\$50.00	<u>\$150.00</u>
Motorcycles	\$25.00	<u>\$125.00</u>

The April 1-May 31 fee shall not apply to the purchase of a license from the previous license period. In those instances the June 1-March 31 fee shall apply. Individuals who purchase a license in compliance with the 30 day requirements as stated in this ordinance shall be subject to the April 1-May 31 license fee.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

§71.05 is hereby amended to read in its entirety as follows:

§ 71.05 DISPOSITION OF FEES.

All license fees imposed, levied, and collected under the provisions of this chapter shall be paid into and become a part of the City's general fund, the same to be used to compensate the City for issuing the license, enforcement and for regulation and upkeep of the city streets.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

§71.06 is hereby amended to read in its entirety as follows:

§ 71.06 LOSS OR TRANSFER OF LICENSE.

- (A) If any individual shall sell or otherwise dispose of a motor vehicle or motorcycle for which a license has been issued hereunder prior to the expiration date of the license, and shall remove the insignia adhesive license sticker from the motor vehicle or motorcycle and return it or portions thereof at least three fourths of the original sticker or the portion with the identification number (as proof of the destruction of the license) within 30 days to the issuing authority, the individual may be issued another license for another motor vehicle or motorcycle for the unexpired portion of the license period upon payment of a transfer fee of \$1. Transfer licenses requested after 30 days of transfer of the motor vehicle or motorcycle will be subject to the June 1st license fee. Documentation of state registration receipt and/or bill of sale shall be required as proof of acquisition of ownership date. In the event of the theft of the adhesive license sticker, a replacement shall be issued upon proper proof of prior issuance of a license, and upon the payment of a \$1 fee.
- (B) In the event that an original license sticker is lost or misplaced and cannot be located, the original purchaser of said license, upon proper proof of prior issuance of a license and an affidavit of loss, shall be eligible one (1) time per license period to replace the license sticker at the June 1st license fee less \$50 credit for the original license purchase.
- (C) In the event of the theft of the adhesive license sticker, a replacement shall be issued upon proper proof of prior issuance of a license as well as proof of a valid police report, affidavit of theft, and upon payment of the \$1 fee.
- (D) In the event of the unintentional destruction or forfeiture of the adhesive license sticker (as determined in sole discretion of the City), a replacement shall be issued upon proper proof of prior issuance of a license as well as proof of a valid police report or insurance claims documentation including an affidavit of destruction or forfeiture, and upon payment of the \$1 fee.

AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:

§71.07 is hereby amended to read in its entirety as follows:

§ 71.07 EXEMPTIONS.

(A) Motor vehicles or motorcycles which due to their status as governmental or are used and operated exclusively in the service of the governmental shall be exempt from the license fee. Motor vehicles or motorcycles which are registered to a governmental entity that bear non-governmental license plates, upon proof of proper documentation, shall also be exempt from the license fee.

(B) Residents or non-residents which due to their status as active, retired, or disabled veterans and have been issued a special military-related license plate under KRS 186.041 shall be exempt from the license fee for the motor vehicle or motorcycle which displays said plates and shall receive one license, at no cost, to be affixed to the special military-related license plate. Residents or non-residents who qualify for, but have not obtained, a special military-related license plate under KRS 186.041 shall be exempt from the license fee and shall receive one license, at no cost, to be affixed to the license plate. These exemptions shall only allow for 1 no-cost license per active, retired, or disabled veteran and shall exempt only the vehicle primarily driven by the active, retired, or disabled veteran.

(C) Motor vehicles or motorcycles which due to their status have been issued a common carrier permit as specified in KRS 281.830 or have a common carrier certificate from another state with which the State of Kentucky has a reciprocal agreement as specified in KRS 186.041 shall be exempt from the license fee.

(D) Motor vehicles or motorcycles which due to their status operate in interstate commerce pursuant to Federal Interstate Commerce Commission permit shall be exempt from the license fee, unless such trucks are locally-owned and stored within the corporate city limits.

(E) Exemption. Motor vehicles or motorcycles that are inventory items on dealer lots held for resale purposes and not used in any business or work related activity or temporary or intermittent work related activity shall be exempt from the license fee. This exemption shall not apply to dealer plates.

AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:

§71.08 is hereby amended to read in its entirety as follows:

§ 71.08 ~~LATE FEE~~ PURCHASE

Any person who is required to purchase a license and fails to do so by May 31st of each year within 30 days of the date they are required to purchase a license shall be required to purchase a license as well as be assessed a \$100 late fee a license at the June 1st license fee. This shall not apply to individuals who comply with the 30 day deadline requirements as outlined in this ordinance.

AMENDMENT IX. ADDITIONS, ASSERTIONS & CHANGES:

§71.99 is hereby amended to read in its entirety as follows:

§ 71.99 PENALTIES AND VIOLATIONS.

(A) A ~~city~~ Police, Citation or Code Enforcement Officer or other individual authorized by the city, shall issue a violation notice containing the necessary information of said violation as prescribed by the city.

(B) The enforcement of any violation of this chapter shall be the responsibility of the Code Enforcement Board, its Police Citation Officer or Code Enforcement Official.

(C) A Police Officer, or Citation or Codes Enforcement Officer or other individual authorized by the city may ~~(but shall not be required to)~~ issue a warning notice of violation in lieu of a citation allowing the offender ten days within which to obtain a city license at the June 1st license fee, without penalty.

(D) Each person operating any motor vehicle or motorcycle, as defined herein, for which a license is required, without having first obtained a license on or before May 31 of each year to operate a motor vehicle or motorcycle, shall be issued a notice of violation or citation for violation of this chapter.

(E) If a person, prior to receiving a notice of violation, purchases a license after the deadline of May 31, the cost of the ~~fine license~~ shall be ~~\$50~~ \$150 and ~~in addition to paying the fine, the offending party shall purchase the required license for \$50.~~ If a notice of violation is issued and the offending party wishes not to contest the citation, the ~~minimum fine to be assessed shall be \$100 and in addition to paying the fine, the offending party shall purchase the required license for \$50.~~ offending party shall be required to purchase the required license at the June 1st license fee of \$150.

(F) If the citation is contested and a hearing before the Code Enforcement Board is required, the penalties that may be imposed at the discretion of the Board shall be \$100 to \$500 for each offense. If after the citation is issued, the offending party wishes to contest the citation, notification must be delivered pursuant to the requirements of the Code Enforcement Ordinance, Chapter 40 of this Code of Ordinances. If the offending party fails to respond to the citation within the requisite period of time, the offending party shall be deemed to have waived the right to a hearing to contest the citation and a determination by the Code Enforcement Board that a violation was committed shall be considered final. In this event the Code Enforcement Board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. This shall be in addition to requiring the offending party to purchase a license.

(G) If the offending party notifies the city, within the designated time period, of his or her intention to have a hearing before the Code Enforcement Board, then, a hearing shall be established for the offending party pursuant to ~~Code Enforcement Board Ordinance~~, Chapter 40 of this Code of Ordinances.

(H) All final orders by the Code Enforcement Board as a result of violation of this chapter shall accrue interest at the twelve percent judgment rate of interest ~~as established by the Commonwealth of Kentucky.~~ in accordance with Kentucky Revised Statute 360.040.

(I) A lien may be filed enforcing any final order of the Code Enforcement Board as a result of a violation of this chapter.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2017.

Adopted by the City Council on _____, 2017.

Published in the Murray Ledger and Times on _____, 2017.

ORDINANCE 2017-1726

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §110 GENERAL LICENSE REQUIREMENTS, SPECIFICALLY §110.01 LICENSE REQUIRED; §110.02 DEFINITIONS; §110.03 NON-RESIDENTS; §110.04 LICENSE NONTRANSFERABLE; §110.05 EXPIRATION; §110.06 ADVERTISEMENT AS CONCLUSIVE EVIDENCE; §110.07 APPLICATION; §110.08 RENEWAL; AND §110.09 ISSUANCE FOR INTERVENING PERIOD; §110.10 LICENSE TAX; §110.11 ENFORCEMENT; §110.12 TAXES TO BE PAID TO CITY; §110.13 EXEMPT BUSINESSES; §110.14 SALE, TRANSFER OR CHANGE OF NAME OF BUSINESS- LICENSE REQUIREMENTS; §110.15 CHANGE OF LOCATION; §110.16 LATE FEE; AND §110.99 PENALTY IN ORDER TO IMPROVE, MODIFY, CLARIFY AND STREAMLINE THE PROCEDURE FOR PURCHASING A GENERAL LICENSE AND TO IMPROVE PROCEDURES FOR ENFORCEMENT OF THE GENERAL LICENSE REQUIREMENTS.

WHEREAS, the City of Murray desires to amend Chapter §110 in all respects, specifically §110.01, §110.02, §110.03, §110.04, §110.05, §110.06, §110.07, §110.08, §110.09 §110.10 §110.11 §110.12 §110.13 §110.14 §110.15 §110.16 and §110.99, in order to improve, modify, clarify and streamline the procedure for purchasing a General License and to improve the procedures for enforcement of the General License requirements.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §110 of the City Of Murray Code Of Ordinances and believe the changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

CHAPTER 110: GENERAL LICENSE REQUIREMENTS

§110.01 is hereby amended to read in its entirety as follows:

§ 110.01 LICENSE REQUIRED.

(A) It shall be unlawful for any person to engage in any business, as defined herein, in the e-City until such person has first paid the amount of license tax to the e-City and has obtained from the e-City, a license as hereinafter specified and required.

(B) All such licenses shall have printed or stamped on the face of same, in large figures, the year for which same are issued, and it shall be the duty of the person procuring or having such license to keep same posted or otherwise exposed on some conspicuous place at the place of business, where the same shall at all times be within the public view.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

§110.02 is hereby amended to read in its entirety as follows:

§ 110.02 DEFINITIONS.

Except as otherwise expressly declared or clearly apparent from the context in which used, the following definitions shall be applied in construing the provisions of this chapter:

"ACCOMMODATION AND FOOD SERVICES." A classification meaning the accommodations and food services sector which comprises establishments providing customers with lodging and/or preparing meals, snacks and beverages for immediate consumption, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES." A classification meaning the activities performed including office administration, hiring and placing or personnel, document preparation and similar clerical services, solicitation, collection, security and surveillance services, cleaning and waste disposal services, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"ARTS, ENTERTAINMENT AND RECREATION." A classification meaning the arts, entertainment and recreation sector which includes a wide range of establishments that operate facilities or provide services to meet varied cultural entertainment and recreational interest of their patrons. This sector comprises: establishments that are involved in producing, promoting, or participating in live performances, events or exhibits intended for public viewing; establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest; and establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby and leisure-time interests, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"BOOTH SPACE." A designated area, which may or may not be enclosed or semi-enclosed, located within a structure and rented or leased to an individual(s) to provide said individual(s) with a space to conduct business, including, but not limited to, the sale of merchandise, goods or services. This classification includes, but is not limited to, hair dressers, nail technicians, cosmetologist, massage therapists and hair colorists.

"BUSINESS." A classification meaning all services, activities, occupations, vocations, pursuits, trades, callings or professions located and/or performed within the e-City with the object of pecuniary gain, benefit, or advantage to the person, or to another person or class, directly or indirectly, whether part-time or full-time. This definition includes, without limitation, home occupations, peddlers, including, but not limited to, owners and renters of booth space, rooms or areas (occupied or unoccupied) located within a structure, whether occupied or unoccupied and the rental of commercial and residential real property. It also includes the activities of businesses that are located outside the e-City where sales or services are performed by the physical presence of business representatives inside the e-City, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"CITY." The City of Murray, Kentucky, its government, representatives, authorized agents, successors and assigns.

"CONSTRUCTION." A classification meaning the construction sector, which comprises establishments primarily engaged in the construction of buildings or engineering projects. Establishments primarily engaged in the preparation of sites for new construction and establishments primarily engaged in subdividing land for sale as building sites also are included in this sector. Construction work done may include new work, additions, alterations, or maintenance and repairs, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"DAY." Unless otherwise specified in an ordinance, the word "day" shall mean calendar Day.

"EDUCATIONAL SERVICES." A classification meaning the educational services sector comprising establishments that provide instruction and training in a wide variety of subjects. This instruction and training is provided by specialized establishments, such as schools and training centers. These establishments are privately owned and operated for profit, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"FINANCE AND INSURANCE." A classification meaning the finance and insurance sector, which comprises establishments primarily engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or facilitating financial transactions, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"FULL TIME SELF-EMPLOYED." Any full time employee or employees who own the business in which he and/or she is employed and the business has no other employees.

"HEALTH CARE AND SOCIAL ASSISTANCE." A classification meaning the health care and social assistance sector comprising establishments providing health care and social assistance for individuals. The industries in this sector are arranged on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"INFORMATION." A classification meaning the information sector which comprises establishments engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; and processing data. The main components of this sector are the publishing industries, including software publishing, and both traditional publishing and publishing exclusively on the Internet; the motion picture and sound recording industries; the broadcasting industries, including traditional broadcasting and those broadcasting exclusively over the internet; the telecommunications industries; Web search portals, data processing industries, and the information services industries, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"JURISDICTION." The territory within the City of Murray, Kentucky's corporate limits.

"MANAGEMENT OF COMPANIES AND ENTERPRISES." A classification meaning the management of companies and enterprises sector comprises establishments that hold the securities of (or other equity interests in) companies and enterprises for the purpose of owning a controlling interest or influencing

management decisions of establishments (except government establishments) that administer, oversee, and manage establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision making role of the company or enterprise, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"MANUFACTURING." A classification meaning the manufacturing section, which comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts of manufactured products is considered manufacturing. Establishments in the manufacturing sector are often described as plants, factories, or mills and characteristically use power-driven machines and materials-handling equipment, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"NAICS." The North American Industry Classification System, 2012 edition, along with all subsequently adopted amendments and modifications thereto.

"NET INCOME." The total sales revenue, less the cost of the goods sold and all additional expenses.

"NON-RESIDENT." A person who does not live, reside or maintain a principal place of business within the jurisdiction of the e-City.

"OFFENDING PARTY." A person who has received a citation for a violation of this chapter.

"OTHER SERVICES." A classification meaning the other services sector which comprises establishments engaged in providing services not specifically provided for elsewhere in the classification system. Establishments in this sector are primarily engaged in activities, such as equipment and machinery repairing, advocacy and providing drycleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"PART TIME SELF-EMPLOYED." Any part time employee or employees who own the business in which he and/or she is employed and the business has no other employees.

"PERSON." One or more human beings, of either sex, or an entity that is recognized by law as having the rights and duties of a human being such as a corporation, company, partnership, association, trust, joint venture or other entity capable of maintaining a legal action and/or having a legal action brought against it, as authorized under the laws of the Commonwealth of Kentucky, however, shall not include employees of persons licensed pursuant to this chapter.

"PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES." A classification meaning the professional, scientific and technical services sector, which comprises establishments that specialize in performing professional, scientific and technical activities for others. Activities performed include: legal advice and representation; accounting, bookkeeping and payroll services; architectural, engineering and specialized design services; computer services; consulting services; research services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific and technical services, including, but not limited to those itemized classifications set forth and

established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"REAL ESTATE AND RENTAL AND LEASING." A classification meaning the real estate and rental and leasing sector which comprises establishments primarily engaged in renting, leasing, or otherwise allowing the use of tangible or intangible assets and establishments providing related services. The major portion of this sector comprises establishments that rent, lease or otherwise allow the use of their own assets by others. The assets may be tangible, as is the case of real estate and equipment, or intangible, as is the case with patents and trademarks. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting and/or buying real estate for others, and appraising real estate, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"RETAIL TRADE." A classification meaning the retail trade sector which comprises establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The retailing process is the final step in the distribution of merchandise; retailers are, therefore, organized to sell merchandise in small quantities to the general public, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"TRANSPORTATION AND WAREHOUSING." A classification meaning the transportation and warehousing sector includes industries providing transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation. Establishments in these industries use transportation equipment or transportation related facilities as a productive asset. The type of equipment depends on the mode of transportation. The modes of transportation are air, rail, water, road and pipeline. The transportation and warehousing sector distinguishes three basic types of activities: subsectors for each mode of transportation, a subsector for warehousing and storage, and a subsector for establishments providing support activities for transportation, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

"VENDOR OF OCCUPIED OR UNOCCUPIED LOCATION." A classification meaning an individual who rents (directly or indirectly) a specific location within a designated business, which includes, but is not limited to, booth shelf space, rooms, areas and the like, that is occupied or unoccupied by the individual, for the purpose of retail sale of the individual's items, goods or merchandise.

"WHOLESALE." A classification meaning the wholesale trade sector, which comprises establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. The merchandise described in this sector includes the outputs of agriculture, mining, manufacturing, and certain information industries, such as publishing, including, but not limited to those itemized classifications set forth and established in the 2012 NAICS Codes, along with all subsequently adopted amendments and modifications thereto.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

§110.03 is hereby amended to read in its entirety as follows:

§ 110.03 NONRESIDENTS.

(A) It shall be unlawful for any person who is a non-resident of the e-City, or has a principal place of business outside the e-City limits to engage in any business as defined herein, in the e-City until such person has first paid the amount of license tax to the e-City and has obtained from the e-City, a license as hereinafter specified and required.

(B) Such license shall be required of any person residing outside the e-City or having a principal place of business outside the e-City limits if such person shall engage in any business, hereinafter mentioned in the e-City, and who actually solicits and accepts business by holding himself or herself out as engaging in such business the same as any person residing in the e-City and engaged in a similar business.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

§110.04 is hereby amended to read in its entirety as follows:

§ 110.04 LICENSE NONTRANSFERABLE.

(A) Each license shall state the name of the person to whom it is issued, and no such license shall be assignable or transferable, nor shall any such license authorize any person other than the one mentioned in the license to conduct any business or to follow any occupation, profession, trade, or calling other than that provided in such license. ~~There shall be~~ The City shall require a separate license for each place of business, and each branch store or separate establishment shall be construed as a separate unit for the purpose of license taxes as provided herein, so long as each separate place of business, each branch store, or separate establishment maintains a separate tax ID (EIN, SSN, TIN, etc.) and/or separate state business license number.

(B) Any person who maintains multiple separate businesses while operating under the same tax ID number (EIN, SSN, TIN, etc.) for those businesses, shall be required to purchase a business license for the business which requires the largest license fee. A license shall be purchased for each additional business for the cost of \$5 each.

(C) No additional business license shall be required for any single business which operates satellite offices.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

§110.05 is hereby amended to read in its entirety as follows:

§ 110.05 EXPIRATION.

All licenses granted under this chapter, except as otherwise herein provided, shall expire on May ~~4~~ 31 of each and every year. No portion of any license tax shall be refunded to any person, firm, company, or corporation, or to anyone else for their use or benefit, except that a person who purchases the license

prior to June 1 may request a refund up until June 1 and the e-City is authorized to grant such refund. Thereafter, the e-City is authorized to deny all requests for license refunds.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

§110.06 is hereby amended to read in its entirety as follows:

§ 110.06 ADVERTISEMENT AS CONCLUSIVE EVIDENCE.

An advertisement of any person, that he or she is engaged in any business, for ~~the carrying on of~~ which a license is required under this chapter, shall be conclusive evidence for such license tax as provided by this chapter.

AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:

§110.07 is hereby amended to read in its entirety as follows:

§ 110.07 APPLICATION.

Every person desiring to procure a license, as herein provided, shall when required, make application in writing to the e-City, giving and disclosing all information necessary to enable the e-City to determine the amount of license tax to be paid, the character of business to be conducted, and such other facts as may be necessary or proper to determine whether the applicant for such license shall be granted. The e-City may require each applicant, so applying, to furnish such additional information as the e-City deems necessary to properly process each application, including, but not limited to, a complete list of vendors/renters of booth space or a designated area, including name, address, telephone number and nature of business for each vendor/renter. The information may be required to be stated under oath by virtue of a sworn affidavit. The applicant must sign a statement agreeing to update the renter list within 30 days of a change in the vendor/renter list and further agrees to allow a representative of the e-City and/or the Code Enforcement Officer to enter the premises for the purpose of inspection to confirm compliance with this chapter. Refusal to produce any requested information to the e-City may result in the applicant's application being denied or revoked. Refusal to allow a representative of the e-City and/or the Code Enforcement Officer to enter the premises for the purpose of inspection to confirm compliance with this chapter may result in a denial or revocation of the business license for the premises.

AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:

§110.08 is hereby amended to read in its entirety as follows:

§ 110.08 RENEWAL.

All business licenses issued pursuant to the provisions of this chapter shall be renewed by following the same procedure as required for the original applications. All renewals are due to be paid on or before May 31 of each subsequent year. In the event May 31 occurs on a weekend or recognized holiday, then, the ~~City due date shall be extended~~ shall extend the due date to include the next full business day.

AMENDMENT XI. ADDITIONS, ASSERTIONS & CHANGES:

§110.09 is hereby amended to read in its entirety as follows:

§ 110.09 ISSUANCE FOR INTERVENING PERIOD.

If any person who is engaged in any business as defined herein, desires to engage in such businesses at any intervening period, his or her license shall be issued by the ~~e~~City for the fractional part (based on 12-month prorated basis) of said year and made to expire as herein provided and he or she shall be charged for such period the proportionate part of the license tax for the period so engaged by him or her in his or her business, except that this shall not apply to any miscellaneous business classification in § 110.10(C) license as is provided for in this chapter regardless of the date of issuance, and made to expire on May 31 following.

AMENDMENT X. ADDITIONS, ASSERTIONS & CHANGES:

§110.10 is hereby amended to read in its entirety as follows:

§ 110.10 LICENSE TAX.

Every person, before engaging in any business, hereinafter mentioned and described shall pay the license tax hereinafter provided to the City of Murray and set opposite the name of the business, for which license taxes are required, together with the amount of such license tax, the same applying to each business location, except as otherwise specifically set out which are as follows:

(A) Business Classification Flat Rate.

Educational services as set forth in the 2012 NAICS Code 61	\$150
Other services as set forth in the 2012 NAICS Code 81	\$150
Arts, entertainment & recreation as set forth in the 2012 NAICS Code 71	\$150
Administrative, support, waste management & remediation services as set forth in the 2012 NAICS Code 56	\$150
Information as set forth in the 2012 NAICS Code 5	\$200
Wholesale trade as set forth in the 2012 NAICS Code 42	\$350
Management of companies & enterprises as set forth in the 2012 NAICS Code 55	\$400
Finance & insurance as set forth in the 2012 NAICS Code 52	\$400
Transportation & warehousing as set forth in the 2012 NAICS Code 48-49	\$400
Manufacturing as set forth in the 2012 NAICS Code 31-33	\$600
Vendor of occupied or unoccupied location	\$75

All of the above classifications are defined in the NAICS Structure, 2012 edition, or any subsequently adopted amendments or modification thereto.

(B) Business Classification Small, Medium & Large Business Rate.

Small Business	Medium Business	Large Business		
Net Income Scale	Net Income Scale	Net Income Scale		
\$0- \$300,000	\$300,001- \$600,000	\$600,001- Greater		
Retail trade as set forth in the 2012 NAICS Code 44-45		\$150	\$400	\$600
Accommodation & food services as set forth in the 2012 NAICS Code 72		\$150	\$400	\$600
Construction as set forth in the 2012 NAICS Code 23		\$150	\$400	\$600
Professional, scientific & technical services as set forth in the 2012 NAICS Code 54		\$150	\$400	\$600
Real estate, rental & leasing as set forth in the 2012 NAICS Code 53*		\$150	\$400	\$600
Health care & social assistance as set forth in the 2012 NAICS Code 62		\$150	\$400	\$600
* See real estate, rental & leasing under division (C) for businesses with gross receipts less than \$25,000				

All of the above classifications are defined in the NAICS Structure, 2012 edition, or any subsequently adopted amendments or modification thereto.

(C) Business Classification for Miscellaneous Business.

	Rate	
Taxicab or limousines business as set forth in KRS 186.281	\$30 per vehicle	
Transient business as set forth in the Murray City Code of Ordinances Chapter 156	\$75 per application	
Limited restaurant alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$1,000 (yearly fee) \$500 (6-month fee)	
Limited golf course alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$1,000 (yearly fee) \$500 (6-month fee)	
Limited caterer alcoholic beverage by the drink license as set forth in the Murray City Code of Ordinances Chapter 118	\$800 (yearly fee) \$400 (6-month fee)	
Real estate, rental & leasing as set forth in the 2012 NAICS Code 53. License under this section shall be determined by signed affidavit of gross income submitted to the City of Murray by the applicant.	<10K Gross Rental <u>Income</u> \$50	>10K to 25K Gross Rental <u>Income</u> \$100

AMENDMENT XI. ADDITIONS, ASSERTIONS & CHANGES:

§110.11 is hereby amended to read in its entirety as follows:

§ 110.11 ENFORCEMENT.

It shall be the duty of the Chief of Police and the Police Department and/or the Code Enforcement Officer, to see that any person doing business in the eCity have the license required by law. ~~who shall cause citations to be issued for violations hereunder.~~ Any person doing business within the City without the required license shall be issued a notice of violation or a citation for violations hereunder.

§ 110.12 TAXES TO BE PAID TO CITY.

All money derived from license taxes under the provisions of this chapter shall be paid to the eCity and placed to the credit of the general revenue fund of the eCity and shall be used and expended in defraying the current and incidental expenses of the eCity.

§ 110.13 EXEMPT BUSINESSES.

The following businesses shall be exempt from the licensing provisions of this chapter:

- (A) Non-profit activities carried on by religious, charitable, benevolent, fraternal or social organizations.
- (B) Public utility companies.
- (C) Any governmental functions or agencies
- (D) Garage sales conducted on residential premises or governmental property in compliance with the eCity zoning code.
- (E) Vendors and peddlers conducted during eCity sponsored street fairs and special events.
- (F) Communications services or multichannel video programming services as defined in KRS 136.602(2), (8).
- (G) Banks, trust companies, savings and loans companies, as defined in KRS 92.300.
- (H) Insurance companies taxed by the insurance premium tax, as defined in KRS 91A.080.

AMENDMENT XIV. ADDITIONS, ASSERTIONS & CHANGES:

§110.14 is hereby amended to read in its entirety as follows:

§ 110.14 SALE, TRANSFER OR CHANGE OF NAME OF BUSINESS - LICENSE REQUIREMENTS.

(A) Upon the sale or transfer of any business which is licensed pursuant to this chapter, the license issued to the prior owner shall automatically expire on the date of such sale or transfer and the new owner shall apply for and obtain a new business license prior to engaging in, conducting, or operating the business.

(B) Upon the request to issue a new license of any business requesting a change of name only, the City shall issue the new license ~~the new license shall be issued~~ with a \$35 administrative fee to cover the cost associated with issuing the license.

AMENDMENT XV. ADDITIONS, ASSERTIONS & CHANGES:

§110.15 is hereby amended to read in its entirety as follows:

§ 110.15 CHANGE OF LOCATION.

(A) No business tax license issued pursuant to the provisions of this chapter shall be transferable; provided, however, where a business tax license is issued for a person to transact and carry on a business at a particular place, such person, upon an application therefor may have the business tax license at some other location to which it is to be moved.

(B) Upon the request to issue a new license of any business requesting a physical change in business location, the City shall issue the new license with a \$35 administrative fee to cover the cost associated with issuing the license.

AMENDMENT XVI. ADDITIONS, ASSERTIONS & CHANGES:

§110.16 is hereby amended to read in its entirety as follows:

§ 110.16 LATE ~~FEES~~ FINE.

A late ~~fee~~ fine of an amount equal to the required business license cost shall be assessed upon all person's required to purchase a business license who have not purchased same within 30 days after the date the license is required to be purchased. This ~~fee~~ fine is in addition to the cost of the business license.

AMENDMENT XVII. ADDITIONS, ASSERTIONS & CHANGES:

§110.99 is hereby amended to read in its entirety as follows:

§ 110.99 PENALTY.

(A) A eCity Police, Citation or Code Enforcement Officer shall issue a violation notice containing the necessary information of said violation as prescribed by the eCity.

(B) A Police Officer, ~~or~~ Citation or Codes Enforcement Officer, may ~~(but shall not be required to) issue a warning~~ issue a notice of violation in lieu of a citation, allowing the offender ten days within which to obtain a eCity business license. , without penalty. The cost of said license and late fine, if applicable, shall be determined pursuant to the requirements of this ordinance.

(C) Each person carrying on or conducting any business, as defined herein for which a license is required, without having first obtained a license on or before May 31 of each year to carry on and conduct such business shall be issued a citation for violation of this chapter.

(D) If after the citation is issued the offending party wishes not to contest the citation, the minimum fine to be assessed shall be \$100 and in addition to paying the fine, the offending party shall purchase the required business license.

(E) If the citation is contested and a hearing before the Code Enforcement Board is required, the penalties that may be imposed at the discretion of the Board shall be \$100 to \$500 for each offense. If after the citation is issued, the offending party wishes to contest the citation, notification must be delivered pursuant to the requirements of the City of Murray Code Enforcement Ordinance, Chapter 40. If the offending party fails to respond to the citation within the requisite period of time, the offending party shall be deemed to have waived the right to a hearing to contest the citation and a determination by the Code Enforcement Board that a violation was committed shall be considered final. In this event the Code Enforcement Board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation. This shall be in addition to requiring the offending party to purchase a business license.

(F) If the offending party notifies the eCity of his or her intention to have a hearing before the Code Enforcement Board, then, a hearing shall be established for the offending party pursuant to City of Murray Code Enforcement Board Ordinance, Chapter 40.

(G) All final orders by the Code Enforcement Board as a result of violation of this chapter shall accrue interest at the judgment rate of interest as established by the Commonwealth of Kentucky.

(H) A lien may be filed enforcing any final order of the Code Enforcement Board as a result of a violation of this chapter.

(I) Any person refusing to allow a representative of the eCity or the Code Enforcement Officer to enter upon any premises for the purpose of inspection to confirm compliance with this chapter shall have their business license revoked for the premises.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2017.

Adopted by the City Council on _____, 2017.

Published in the Murray Ledger and Times on _____, 2017.

RECOMMENDATION FROM THE PLANNING COMMISSION

TO: Mayor Rose & Council Members

FROM: Summer Grogan

DATE: February 23, 2017

RE: Annexation Request

The Murray Planning Commission met in regular session on Tuesday, February 21, 2017 to review a request by Roger Haney to annex his property into the city limits. The request was approved by a 6-0 vote with a motion made and seconded to read as follows:

I make a motion to forward a recommendation to the City Council to annex the 0.485 acre tract of land located 255 King Richard Drive owned by Roger Haney. The recommendation is based on the following findings of fact:

- Said property owner has submitted written request for annexation
- Said property is contiguous to the current city boundaries to the north and east
- City utilities are available to the property

Attached are the minutes from the Planning Commission meeting along with a legal description of the property and a reduced copy of the plat for your review.

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 21, 2017
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 21, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Robin Zhang, Tom Kind, Martin Milkman, Marc Peebles, Ed Pavlick and John Krieb

Commissioners Absent: Loretta Jobs, Jordan Smith and Jim Foster

Also Present: Gerald Gilbert, Summer Grogan, Maurice Thomas, David Roberts, Attorney David Perlow and public audience

Chairman Kind called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes to the minutes from the January 17, 2017 regular meeting.

John Krieb made a motion to approve the minutes from the January 17, 2017 Planning Commission regular meeting as amended. Marc Peebles seconded the motion and the motion carried unanimously.

At this time David Roberts swore in Martin Milkman as a Planning Commissioner.

Remove from table: Request to rezone the property located at 1102 Story Avenue identified as Tax Map Parcel ID #008-0002-0011A from R-2 to B-2 – Mark & Becky Blankenship: Chairman Kind stated that this item was previously brought before the Commissioners on July 16, 2016 and tabled. He then asked for a motion to remove the item from the table.

John Krieb made a motion to remove the item from the table pertaining to Mark & Becky Blankenship's property at 1102 Story Avenue. Ed Pavlick seconded the motion and the motion carried unanimously.

David Roberts explained that the owners of this property are requesting to rezone this tract of land from R-2 (Single Family Residential) to B-2 (Highway Business). The property adjoins B-2 zoning to the west and to the north and is adjacent to B-2 zoning across the street to the south where there is a vacant lot. The properties adjoining to the east are all zoned R-2. The Future Land Use Map dated 2009 identifies this area as low density residential use. Mr. Roberts gave a brief background of the property. In July there was a public hearing held and at that time there were some that spoke in favor of the request but no one in opposition. Since that meeting there has been a recent rezoning of the property directly to the north owned by Interstate Personnel Service. During that rezoning a boundary survey was submitted that included this particular property. Commissioner Krieb asked Mr. Roberts if the property is rezoned and Interstate Personnel Service should buy it, if they would be allowed to store trailers there. Mr. Roberts replied that if that should happen, they would have to apply for a conditional use permit since

Murray Planning Commission Regular Meeting
Tuesday, February 21, 2017

that would fall under “outdoor storage”. Throughout the years several property uses along South 12th Street have changed from R-2 to Business as the street was widened.

Marc Peebles make a motion to forward a recommendation to the City Council to rezone the property located at 1102 Story Ave from R-2 (Single Family Residential) to B-2 (Highway Business District) based on the following finding of fact: There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

Mr. Krieb asked Mr. Peebles to amend his motion with an additional finding of fact: The change will improve the alignment of the east boundary of the B-2 zone.

Mr. Peebles accepted the amendment. Martin Milkman seconded the motion and the motion carried with a 6-0 roll call vote.

Annexation Request: Request to annex the property located at 255 King Richard Drive, identified as Tax Map Parcel ID #043-C-0010-00002 – Roger Haney: David Roberts explained that Planning Staff had received a letter from Mr. Haney requesting that his property (0.485 acre tract) be annexed into the city limits of Murray in exchange for city utilities and other city services. Sanitary Sewer Service was provided to this property several years ago. An Executive Order (No. 007-2000) was issued stating that the property owners were required to be annexed into the City in order to receive those services. The property is contiguous to current city boundaries to the north and east and is identified as Low Density Residential Use on the Future Land Use Map. It is also in the Urban Services Area of the Comprehensive Plan for the City of Murray.

Martin Milkman made a motion to forward a recommendation to the City Council to annex the 0.485 acre tract of land identified as Tax Parcel # 043-C-0010-00002 located at 255 King Richard Drive. Said property is owned by Roger Haney. The recommendation is based on the fact it is contiguous to the current city boundaries to the north and east. Ed Pavlick seconded the motion and the motion carried with a 6-0 roll call vote.

Nomination of 1st Vice-Chairperson:

John Krieb made a motion to nominate Jim Foster for 1st Vice-Chairperson for 2017. Marc Peebles seconded the motion.

Since Mr. Foster is currently serving as 2nd Vice Chairperson, his position will need to be filled also; thus, the additional motion was made.

Marc Peebles made a motion to nominate Jordan Smith to serve as 2nd Vice Chairperson. John Krieb seconded the motion. Both motions passed with a 6-0 roll call vote.

Questions and Comments: Mr. Roberts reminded the Commissioners that the recommendation to the City Council for 1102 Story Avenue will be final unless it is appealed by the Legislative Council or any aggrieved individual.

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Robin Zhang asked if Mr. Roberts had an update on the crosswalk areas near Murray State University. Mr. Roberts replied that he had contacted KYTC; however, at this time he does not have an answer to the situation. He is waiting on a response from them on this matter and also a response concerning the faded turning lanes on North 12th Street in front of Culver's and the timing of the light there as well.

Commissioner Peebles said that he was happy to have new updated copies of KRS 100 to replace his 2002 copy.

Chairman Kind adjourned the meeting at 5:00 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray



BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

ANNEXATION DESCRIPTION

ROGER D. HANEY

A 0.485 acre (21,124.7 sq. ft.) tract of land as surveyed by the firm of Bacon Farmer Workman Engineering and Testing Inc. of Murray, Kentucky in December of 2016, and being known as Lot 2 of Sherwood Forest Subdivision, Unit 3, Block "J" as recorded in Plat Book 3, Page 33, Slide 133, and also the adjacent portion of King Richard Drive, lying in Murray, Calloway County, Kentucky and being more particularly described as follows:

Beginning at a stove leg (found) at the southwest corner of Lot 3 of the above described Sherwood Forest Subdivision and in the east line of the Ing Kai Young property (Bk. 927, Pg. 487), said stove leg being the northwest corner of the herein described tract of land;

THENCE N 89°26'13" E for a distance of 159.88 feet with the south line of Lot 3 and the existing city limit boundary of Murray, Ky. to a point in the west right-of-way of King Richard Drive, said point being the northeast corner of Lot 2.

THENCE S 51°10'46" E for a distance of 65.06 feet crossing King Richard Drive and with the existing city boundary to a point in the east right-of-way of King Richard Drive, said point bears N 51°10'46" W 0.141 feet from a stove leg (found)

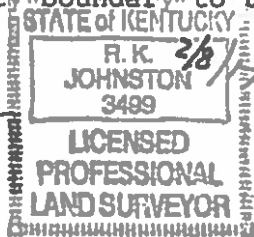
THENCE S 00°16'59" E for a distance of 64.86 feet with the east right-of-way of King Richard Drive and along the existing city boundary to a point,

THENCE S 89°48'12" W for a total distance of 209.97 feet crossing the west right-of-way of King Richard Drive at approximately 50 feet and then following the south line of Lot 2 and the proposed new city boundary, to a stove leg (found) at the southwest corner of Lot 2;

THENCE N 00°30'01" W for a distance of 104.80 feet with the west line of Lot 2 and the proposed city boundary to the point of beginning.

PREPARED BY:

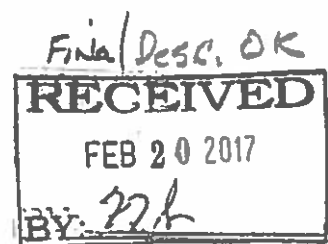
Richard K. Johnston
Richard K. Johnston PLS 3499



DATE: December 9, 2016

DEED REFERENCE: Book 260, Page 84
Plat Book 3, Page 33, Slide 133
Lot 2 Sherwood Forest Subdivision

BACON FARMER WORKMAN ENGINEERING AND TESTING INC.
1215 DIUGUID DRIVE
MURRAY, KY. 42071
(207) 753-7307

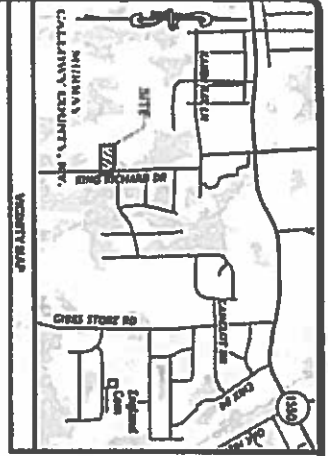


500 South 17th Street
P.O. Box 120
Paducah, KY. 42002
Phone: 270-443-1995
Fax: 270-443-1004

1215 Diuguid Drive
Murray, KY. 42071
Phone: 270-753-7307
Fax: 270-759-4950

966 Double Bridge Road
Lewisburg, TN. 37091
Phone: 931-359-4882

403 N. Court Street
Marion, IL. 62959
Phone: 618-993-6700
Phone: 618-997-9190
Fax: 618-993-5717



CLIENT:
 ROGER D. HANEY
 256 KING RICHARD DR
 MURRAY, KY 40377

DATE:
 12/15/2016

PROJECT:
 ANNEXATION SURVEY
 256 KING RICHARD DR
 MURRAY, KY 40377

PROPERTY:
 256 KING RICHARD DR
 MURRAY, KY 40377
 256 KING RICHARD DR
 MURRAY, KY 40377

ADJACENT PROPERTIES:
 256 KING RICHARD DR
 MURRAY, KY 40377
 256 KING RICHARD DR
 MURRAY, KY 40377

AREA SURVEY:
 256 KING RICHARD DR
 MURRAY, KY 40377
 256 KING RICHARD DR
 MURRAY, KY 40377

FLOOD NOTE:
 THE PROPERTY IS NOT FLOOD PRONE AND IS NOT IN A FLOOD HAZARD ZONE. THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE.

PROPERTY OWNER:
 ROGER D. HANEY
 256 KING RICHARD DR
 MURRAY, KY 40377

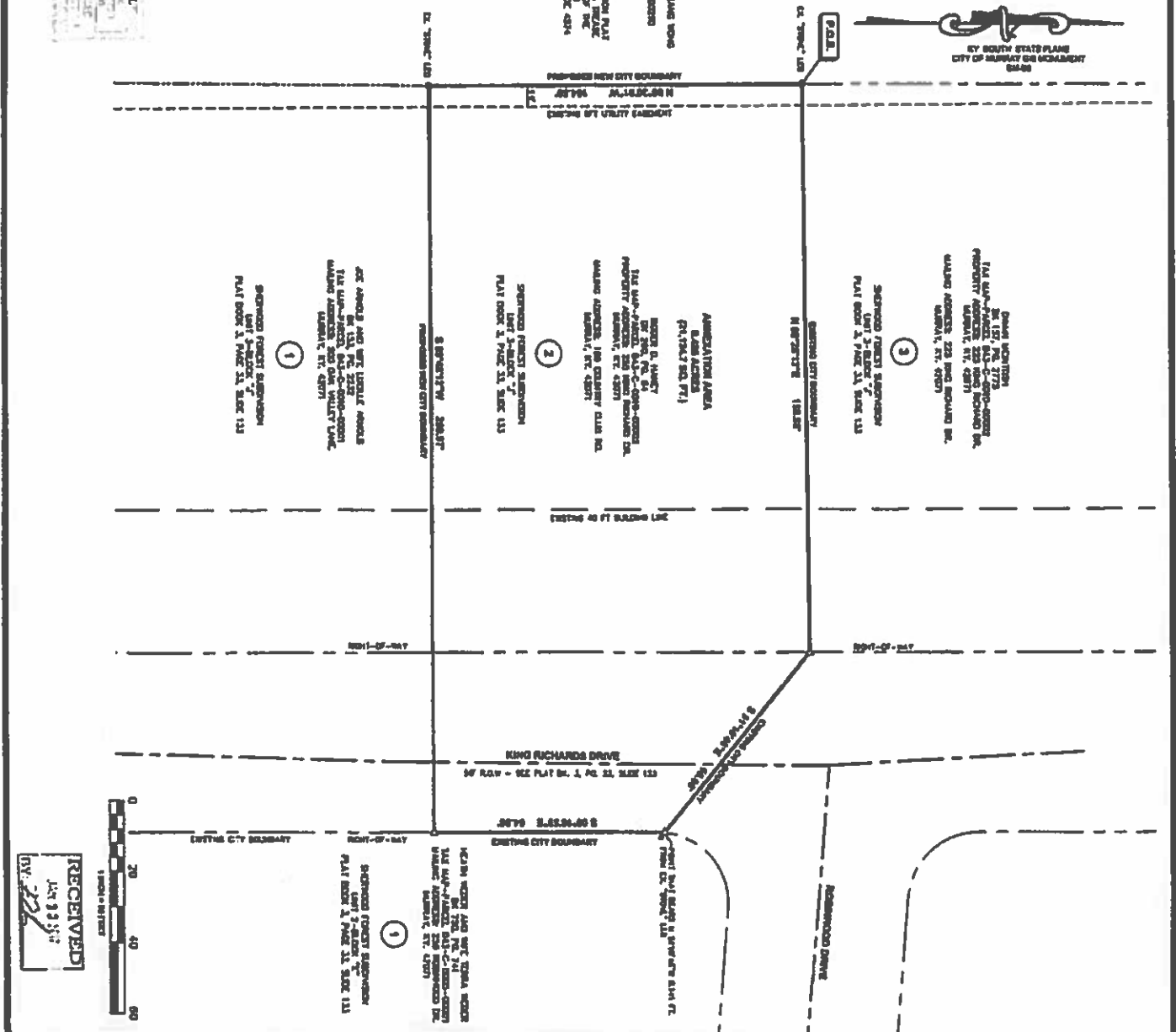
LEGEND:
 PROPERTY BOUNDARY LINE
 ADJACENT PROPERTY BOUNDARY LINE
 EASEMENT LINE
 STREET LINE
 AREA TO BE ANNEXED

NOTICE:
 THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1978 AND THE SURVEYING BOARD OF KENTUCKY. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND CITY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE COUNTY AND CITY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.

DATE:
 12/15/2016

BY:
 [Signature]

PROJECT NO. 10408
DATE: 12/15/2016
DRAWN BY: CC
CHECKED BY: RJ
REVISION DATES:
NOTES:



RECEIVED
 JUN 23 2017
 [Signature]

ANNEXATION SURVEY
ROGER D. HANEY PROPERTY
256 KING RICHARD DRIVE
MURRAY, CALLAWAY CO KENTUCKY
FOR: RICHARD D. HANEY

BFW
BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

PROJECT NO. 10408
DATE: 12/15/2016
DRAWN BY: CC
CHECKED BY: RJ
REVISION DATES:
NOTES:

RECOMMENDATION FROM THE PLANNING COMMISSION

TO: Mayor Rose & Council Members

FROM: Summer Grogan

DATE: February 23, 2017

RE: Annexation Request

The Murray Planning Commission met in regular session on Tuesday, January 17, 2017 to review a request by City West, LLC to annex into the city limits. The request was approved by a 7-0 vote with a motion made and seconded to read as follows:

I make a motion to forward a recommendation to the City Council to annex the 20.01 acre tract of land located on the east side of Brinn Road 950' +/- south of the intersection of Brinn Road and Poor Farm Road and owned by City West, LLC. The recommendation is based on the following findings of fact:

- Said property owner has submitted written request for annexation
- Said property is contiguous to the current city boundaries to the south and east and is suitable for development
- City utilities are available to the property
- Said property falls within the Urban Service Area

Attached are the minutes from the Planning Commission meeting along with a legal description of the property and a reduced copy of the plat for your review.

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JANUARY 17, 2017
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, January 17, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Robin Zhang, Jordan Smith, Tom Kind, Jim Foster, Marc Peebles, Ed Pavlick and John Krieb

Commissioners Absent: Loretta Jobs

Also Present: Danna Clayton, Maurice Thomas, David Roberts, Attorney David Perlow, David Graham, Howard Brandon and public audience

Chairman Kind called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes to the minutes from the December 20, 2016 regular meeting.

John Krieb made a motion to approve the minutes from the December 20, 2016 Planning Commission regular meeting as presented. Ed Pavlick seconded the motion and the motion carried unanimously.

Public Hearing: Request to rezone a 0.21 acre tract of land located at 517 South 12th Street from R-2 to B-2 – Interstate Personnel Service (IPS): David Roberts came forward. He apologetically explained that the City is currently making some upgrades to the electronic system in the Council Chambers causing the speaker system to be down. He clarified that the meeting was still being recorded but everyone would have to speak a little louder as they come forward. Chairs were moved forward to accommodate those that said they could not hear as well.

Mr. Roberts explained that IPS recently discovered that a small portion (0.21 acre) of the southeast corner of their property was still zoned R-2 (single family residential). They have submitted a zoning map amendment application requesting that this tract be rezoned to B-2 (Highway Commercial) to match the intended use of the remainder of the property. The small tract is still shown as low-density residential use on the Future Land Use Map. The applicants have based their request on the fact that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. They have also stated that the majority of the property is already zoned B-2; therefore, rezoning the 0.21 acre tract would eliminate the split zoning. The property has been used for commercial purposes for several years and has housed numerous lodging services before being acquired by Interstate. If the Planning Commission recommends the rezoning of this tract the Comprehensive Plan and official Zoning Map should be updated to reflect the changes in the use of the property.

Butch Seargent came forward and explained that years ago it was difficult to determine exactly where the zoning lines were. Planning Staff has determined that this portion of land appears to be part of the original R-2 zoning when this area was annexed into the city limits on December 22, 1959. The property boundary lines have changed over the years but the zoning was never

Murray Planning Commission Regular Meeting
Tuesday, January 17, 2017

updated. The situation is that all the property that IPS has bought is business except for this small portion which has been overlooked during previous boundary changes and by changing the zoning this would clean up the situation. Hopefully, as issues such as this are settled in the future, a new more accurate Zoning Map will be accessible.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

David Graham (representative for IPS) came forward and was sworn in. Mr. Graham explained that the property was purchased about two years ago for the purpose of training and housing their drivers while in-transit as they come through the community. Mr. Graham said that there is a natural stream running across the property and they have plans to clean that up and enhance the area. IPS has leased an easement from the adjoining property owner for truck use providing an easier access to their property from Story. Mr. Graham also stated that they utilize this property with a fairly substantial transportation service by shuttling drivers back and forth between this facility and their facilities on the north and south sides of town. They do not foresee any additional truck traffic over and above what they currently have.

Howard Brandon came forward and was sworn in. Mr. Brandon has owned the adjoining property to the north since 1941. He gave a brief history of the property. He added that he was not aware that the property in question or his property was not zoned commercial; however, it is his opinion that both properties should be rezoned as commercial. Since his knowledge of this situation, Mr. Brandon has already spoken to David Roberts concerning the rezoning of his property.

There was no one that spoke in opposition; therefore, the public hearing was closed and the item turned over to the commissioners for discussion and a motion.

John Krieb made a motion to forward a recommendation to the City Council to rezone the 0.21 acre tract of land located at 517 South 12th Street from R-2 (Residential) to B-2 (Highway Commercial). This recommendation is based on the following findings of fact:

- **The existing R-2 zoning classification given to the property when it was annexed into the city limits is now inappropriate and the proposed B-2 zoning classification is appropriate especially considering the many years of history use as commercial property**
- **The proposed zoning would be in line with the intended use going forward with the remainder of the property owned by this organization**
- **This approval will bring us closer to having alignment with the east boundary of B-2 zone and areas farther to the north for future changes made in that area.**

Jordan Smith seconded the motion.

Mr. Roberts then asked Mr. Krieb to amend his motion with an additional statement.

Mr. Krieb amended his motion to add that the Planning Commission also recommends that the Comprehensive Plan and Official Zoning Map for the City of Murray be updated to

Murray Planning Commission Regular Meeting
Tuesday, January 17, 2017

reflect the change in zoning. Mr. Smith accepted the amendment and confirmed his second. The motion carried with a 7-0 roll call vote.

Mr. Roberts then explained: Recent changes have been made in the way that rezoning requests will be handled. Once the Planning Commission votes to recommend a zoning change to the City Council, there will be a 21 day period in which the action can be appealed by any individual or the legislative body. If no one appeals the decision, then the Planning Commission's approval will be final. This will actually be the first chance for the Planning Commission to pass a zoning amendment without final approval from the City Council.

Annexation Request: Request to annex a 20.01 acre tract of land located on the east side of Brinn Road 950' +/- south of the intersection of Brinn Road and Poor Farm Road. The property is identified as Tax Parcel #041-0-0050 and owned by City West, LLC: Mr. Roberts explained that a letter dated December 28, 2016 was submitted to the Planning Department by Matt Jennings (Representative of City West, LLC) requesting that this particular tract of land be annexed into the city limits of Murray in exchange for city utilities and other city services. Gas and water are currently available along Brinn Road and Sanitary Sewer is just south of the property on the same side of the road. A 12 inch water line was installed after taking into consideration the proposal for Vintage Hills. The sewer system has 8 inch lines (or larger) which with modifications should be adequate to serve this property as well. Phase 3 of Vintage Hills (Owned by City West as well) abuts this property; therefore, the sewer will be constructed to serve a portion of this property. The property lies within the Urban Service Area for the City of Murray and is suitable for development. It is contiguous to current city boundaries to the south and east. Butch Seargent added that the property is identified as Low Density Residential Use on the Future Land Use Map.

Jim Foster made a motion to forward a recommendation to the City Council to annex the 20.01 acre tract of land identified as Tax Parcel # 041-0-0050 located on the east side of Brinn Road approximately 950' +/- south of the intersection of Brinn Road and Poor Farm Road. Said property is owned by City West, LLC. The recommendation is based on the fact it is contiguous to the current city boundaries to the south and east and is suitable for development. The property lies within the Urban Service Area for the City of Murray and all public utilities are available. John Krieb seconded the motion and the motion carried with a 7-0 roll call vote.

Acceptance of Street for Maintenance: Deerfield Run – Deerfield Estates Phase I: Justin and Stephanie Phillips are developing the residential subdivision known as Deerfield Estates located off Robertson Road South just north of Falwell Subdivision. Deerfield Run is the street that runs east and west through the subdivision. Phase 1 of the roadway has been constructed and the developer has asked the city to take it over for maintenance. The portion of street constructed has a 50 foot right of way and is 425 feet in length. The Planning and Engineering Department has received a letter from BFW Engineering indicating that the street has been constructed in general conformance with the approved plans and is functioning as designed. Sidewalks are being constructed as each house in the subdivision is constructed. As soon as the weather permits, the developers are ready to move forward with Phase II. Planning Department recommends that the City Council accept the street to be maintained by the City of Murray.

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Ed Pavlick made a motion to forward a recommendation to the City Council to accept the 425 feet of roadway identified as Deerfield Run as a street to be maintained by the City of Murray. This recommendation is based on the fact the street has been constructed in general conformance with the approved plans and is functioning as designed. Marc Peebles seconded the motion and the motion carried with a 7-0 roll call vote.

Approval of Continuing Education Hours: Dannetta Clayton said that David Roberts had 4.25 hours of Continuing Education for APA West KY half day conference in Owensboro. Marc Peebles had 4.5 hours of Continuing Education from watching three different videos. Ahmed Abdullah had 6 hours at an Open Records Conference along with 8 hours at KLC City Officials in Owensboro.

Jim Foster made a motion to approve the Continuing Education Hours for those mentioned. John Krieb seconded the motion and the motion passed unanimously.

Questions and Comments: Robin Zhang said that several students have commented to her that the intersection at Chestnut and North 12th Street is very difficult to cross and the walk light only flashes for seconds. Mr. Roberts said that this is a state intersection and they will contact someone in Traffic at KYTC and ask them to take a look at those lights. He added that he will report back to the commissioners next month with a reply to this concern. Dr. Zhang added that another area of concern is Five Points.

Chairman Kind asked David Roberts if he had an update on the new design of North 16th. Mr. Roberts replied that he had not had any feedback from KYTC as the result of the last presentation presented to the City Council. BFW Engineers presented a proposal for a boulevard to be installed on North 16th from Main Street to Chestnut Street. There is money available for design, but at this time there is not money for construction. Mr. Roberts added that he is not sure how this will impact improvements at Five Points. The Governor's Office has made changes to projects with the two year program that is in place now.

Commissioner Krieb asked if the BZA and Planning Commission records could be reviewed in order to let the members know their requirements for continuing education hours. Mr. Roberts replied that they are on the website but January 1 will start the new two year cycle.

Jim Foster made a motion to adjourn. Jordan Smith seconded the motion. The meeting adjourned at 5:17 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray

Legal Description
Of the City West, LLC. Property
To be Zoned R-4
Tract 1 (20.01 Acres)
Page 1 of 2

Being a tract of land in the County of Calloway, State of Kentucky, located approximately 2.1 miles north of the intersection of 12th Street and Main Street in the City of Murray, being adjacent to the city limits of City of Murray, being all of P.V.A. parcel # 041-0-0050, and being approximately 950 feet south of the intersection of Brinn Road Poor Farm Road and further described as follows:

Beginning at a ½ inch diameter rebar with cap (P.L.S. #3175) found approximately 30 feet east of the centerline of Brinn Road (60' Right of Way per adjoining surveys, no recorded Right of Way found), being the northwest corner of the Donald Demrow and Linda Demrow Property (Deed Book 217 Page 365) and the southwest corner of the herein described tract;

thence with the right of way of Brinn Road approximately 30 feet east of the centerline thereof North 01 degrees 47 minutes 09 seconds East a distance of 756.67 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found at the southwest corner of the N P Cavitt Property (Deed Book 104 Page 281);

thence with the south line of the Cavitt Property North 89 degrees 43 minutes 45 seconds East a distance of 1122.71 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found in the west line of the West Wind Rentals & City West, LLC Property (Deed Book 972 Page 514), being in the present city limits of Murray;

thence with the West Wind Rentals & City West, LLC Property and the present city limits of Murray South 01 degrees 57 minutes 33 seconds West a distance of 793.69 feet to a ½ inch diameter rebar with cap (P.L.S. #3837) found at a fence corner post, being the northeast corner of the New Life Christian Center Property (Deed Book 245 Page 421);

thence with the New Life Christian Center Property and the present city limits of Murray North 88 degrees 24 minutes 54 seconds West a distance of 672.78 feet to a ½ inch diameter rebar with cap (P.L.S. #3175) found at the northeast corner of the Donald Demrow and Linda Demrow Property (Deed Book 233 Page 288);

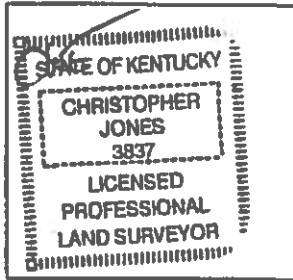
thence with the Demrow Property North 88 degrees 19 minutes 20 seconds West a distance of 250.19 feet to a ½ inch diameter rebar with cap (P.L.S. #3175) found at the northeast corner of the Donald Demrow and Linda Demrow Property (Deed Book 217 Page 365);

thence with the north line of the Demrow Property North 88 degrees 22 minutes 34 seconds West a distance of 200.03 feet to the point of beginning.

Tract 1 (20.01 Acres)
Page 2 of 2

The above-described tract of land contains 20.01 Acres more or less as surveyed by Christopher B. Jones, PLS #3837 on December 2nd 2016.

Being all of the property recorded to City West, LLC., 1105 State Route 121 North, Murray, KY 42071, in Deed Book 1093 Page 594 as recorded in the Calloway County Clerk's office, The above-described property may be subject to any previously conveyed easements, right of ways, or further encumbrances either recorded or unrecorded.



A handwritten signature in black ink, appearing to read "C. Jones", written over a horizontal line.

12/8/2016

Christopher B. Jones, PLS #3837

Date



GRID NORTH (KY SPCS SOUTH ZONE NAD83)
CITY OF MURRAY

TOMMY & REGINA MANIS
1087 POOR FARM ROAD, MURRAY, KY 42071
D.B. 224 PG. 351

*PER ADJOINING SURVEYS)
ED R/W FOUND)*

+/- 950' TO POOR FARM ROAD

PIN & CAP (PLS #3837)