



Jack Rose
Mayor

City of Murray



COUNCIL MEETING AGENDA April 13, 2017 6:30 P.M.

- 1) **Call to Order**, welcome to guests, and moment of silence
- 2) **Pledge of Allegiance to the Flag** Jeremy Bell
- 3) **Minutes** Council Meeting of March 23, 2017
- 4) **Mayor's Report**
 - a) Red Bike Campaign—Girl Scout Troop 1195
 - b) Spring Brush Pick Up Schedule—Ron Allbritten
 - c) Watershed Sustainability Summit—Justin Smith
 - d) City sticker sales—Luke Crawford
- 5) **Public Comment** (Prior arrangement through the Mayor's Office)
- 6) **Report** Public Safety Committee Chair, Robert Billington
- 7) **Report** Personnel and Finance Committee Chair, Johnny Bohannon
- 8) **Report** Public Works Committee Chair, Danny Hudspeth
- 9) **Ordinance Number 2017-1730** (first reading) an ordinance amending Ordinance Number 2016-1705, an ordinance which adopted the 2017 City of Murray, Kentucky, Annual Budget by restating certain revenues and expenditures for the City of Murray Operations Budget
- 10) **Ordinance Number 2017-1731** (first reading) an ordinance amending Ordinance Number 2016-1705, an ordinance which adopted the 2017 City of Murray, Kentucky, Annual Budget by restating certain revenues and expenditures for the City of Murray Operations Budget and amending the pay classification plan for the position of City Clerk
- 11) **Ordinance Number 2017-1729** (second reading) an ordinance amending Ordinance Number 2016-1705, an ordinance which adopted the 2017 City of Murray, Kentucky Annual Budget by restating certain revenues and expenditures for the City of Murray Operations Budget
- 12) **Ordinance Number 2017-1732** (first reading) an ordinance amending the City of Murray Code of Ordinances CHAPTER 72: PARKING in order to improve, modify, clarify and revise provisions addressing parking within the City of Murray and to create a new section, §72.17 entitled: Lien for Fines and Other Charges
- 13) **Ordinance Number 2017-1733** (first reading) an ordinance amending the City of Murray Code of Ordinances CHAPTER 73: SPECIAL VEHICLES, specifically §73.02 Operation Within Confines of

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Website: www.murrayky.gov



City Park and \$73.99 Penalty in order to improve and modify provisions addressing special vehicles within the City of Murray

- 14) **Ordinance Number 2017-1734** (first reading) an ordinance amending the City of Murray Code of Ordinances CHAPTER 74: RAILROADS in order to improve, modify, and revise the provisions addressing railroads within the City of Murray
- 15) **Resolution Number 2017-005** adopting and approving the execution of a Municipal Aid Co-op Program contract with the state of Kentucky for FY 2018
- 16) **Municipal Order Number 2017-013** reappointing Terry Strieter to the Board of Zoning Adjustments for a three (3) year term to expire April 13, 2020
- 17) **Recommendation** by the Planning Commission accepting the dedication and maintenance by the City of Murray the street identified as Deerfield Run--Applicant: Justin and Stephanie Phillips
- 18) **Recommendation** by the Planning Commission accepting the dedication and maintenance by the City of Murray the street identified as Octane Drive--Applicant: Chuck Baker
- 19) **Recommendation** from the Planning Commission to zone a 0.387 parcel acre site located at 255 King Richard Road and a 0.098 acre portion of right-of-way along King Richard Road to R-2 (Residential Single Family)—applicant: Roger Haney
- 20) **Recommendation** to appoint City Clerk effective May 1, 2017
- 21) **Adjournment**

PUBLIC SAFETY COMMITTEE MEETING

5:45 – 6:00 p.m.

**Robert Billington, Chair; Wesley Bolin, Linda Cherry,
Dan Miller, Jason Pittman, Pat Scott**

1. Ordinance Number 2017-1732—Parking
2. Ordinance Number 2017-1733—Special Vehicles
3. Ordinance Number 2017-1734—Railroads

PUBLIC WORKS COMMITTEE MEETING

6:00 – 6:10 p.m.

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

New clear well bids

PERSONNEL AND FINANCE COMMITTEE MEETING

6:10 – 6:25 p.m.

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

1. Budget amendment: Ordinance Number 2017-1730
2. Amend pay classification plan

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MINUTES OF COUNCIL

March 23, 2017

6:30 P.M.

The Murray City Council met in regular session Thursday, March 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: Ron Allbritten, Luke Crawford, Jaimey Erwin, Gerald Gilbert, Tom Kutcher, Chief Liles, Cathy Morris, Jim Osborne

After a moment of silence, Linda Cherry 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 March 9, 2017, were presented for approval. **Dr. Miller moved; seconded by Mr. Pittman.** All voted aye.

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

- a) Murray High School Lady Tigers Basketball Team was recognized by Council along with Coach Rechelle Turner. Mayor Rose presented Coach Turner with a key to the City.

Resolution 2017-004, a resolution of the City of Murray, Kentucky, honoring the Murray High Lady Tigers Basketball Team was presented for approval. **Mr. Pittman moved; seconded by Mr. Bell.** All voted aye.

- b) Citizens Police Academy: March 27 – May 15, 6:30 p.m. in Council Chambers of City Hall. Mayor Rose invited all to attend.
- c) Bill Wells 110th MADD: March 25, 9:00 a.m. – Noon—Ron Allbritten presented a list of hazardous household waste items that would (and would not) be accepted.
- d) Dr. Miller stated the Mayor's Committee on Reviewing Needs, Expenditures and Revenue Sources will meet again April 12, 2017, to discuss transportation and street needs. He invited suggestions regarding identified street and intersection needs within the City.

Mayor Rose stated there was no request for Public Comment.

Mark Manning presented a report from the Murray-Calloway Economic Development Corporation regarding the agency's mission, local growth, education, current projects, and employment trends.

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.

Personnel and Finance Committee Chair, Johnny Bohannon, stated the Personnel and Finance Committee met prior to the Council meeting to discuss Ordinance Number 2017-1729, a comprehensive FY 2017

budget amendment. He recognized Finance Director, Luke Crawford, who explained the changes were needed to “true up” the various fund balances in preparation for next year’s budget cycle.

Ordinance Number 2017-1729, an ordinance amending Ordinance Number 2016-1705 an ordinance which adopted the 2017 City of Murray, Kentucky, Annual Budget by restating certain revenues and expenditure for the City of Murray Operations Budget was presented for approval on first reading—with a typo correction on Item #9. **Mr. Bohannon moved; seconded by Mr. Pittman.** After discussion, Mayor Rose called for a roll call vote.

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

Public Works Committee Chair, Danny Hudspeth, stated the Public Works Committee met prior to the Council Meeting to discuss 4 bids.

1. **Chair Hudspeth moved** for Council to approve the low bid from Murray Auto Parts for oil filters; **seconded by Dr. Miller.** All voted aye.
2. **Chair Hudspeth moved** for Council to approve the low bid of \$23,500 from Swift Roofing for roof replacement of the Public Works Building and draft an ordinance to amend the budget for the emergency expense; **seconded by Mr. Roberts.** All voted aye.
3. **Chair Hudspeth moved** for Council to approve the low bid of \$118,930 from TJ Construction for the Pottertown gas main extension construction bid; **seconded by Dr. Miller.** All voted aye.
4. **Chair Hudspeth moved** for Council to approve the low bid of \$40,137.92 from HD Supply for gas pipe (for the Pottertown gas main extension construction project); **seconded by Ms. Shoemaker.** All voted aye.

Ordinance Number 2017-1725 an ordinance 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 was presented for approval on second reading. **Mr. Pittman moved; seconded by Ms. Cherry.**

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 2017-1726 an ordinance 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 was presented for approval on second reading. **Mr. Roberts moved; seconded by Mr. Scott.**

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 2017-1727, an ordinance annexing 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 was presented for approval on first reading. **Mr. Hudspeth moved; seconded by Ms. Shoemaker.**

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 2017-1728, an ordinance annexing 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 was presented for approval on first reading. **Mr. Pittman moved; seconded by Ms. Shoemaker.** After a discussion regarding the property's zoning, Mayor Rose called for a roll call vote.

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

With no other business before the Council, **Mr. Billington moved** to adjourn; **seconded by Mr. Bohannon.** All voted aye. The meeting adjourned at 8:00 p.m.

Jack Rose, Mayor

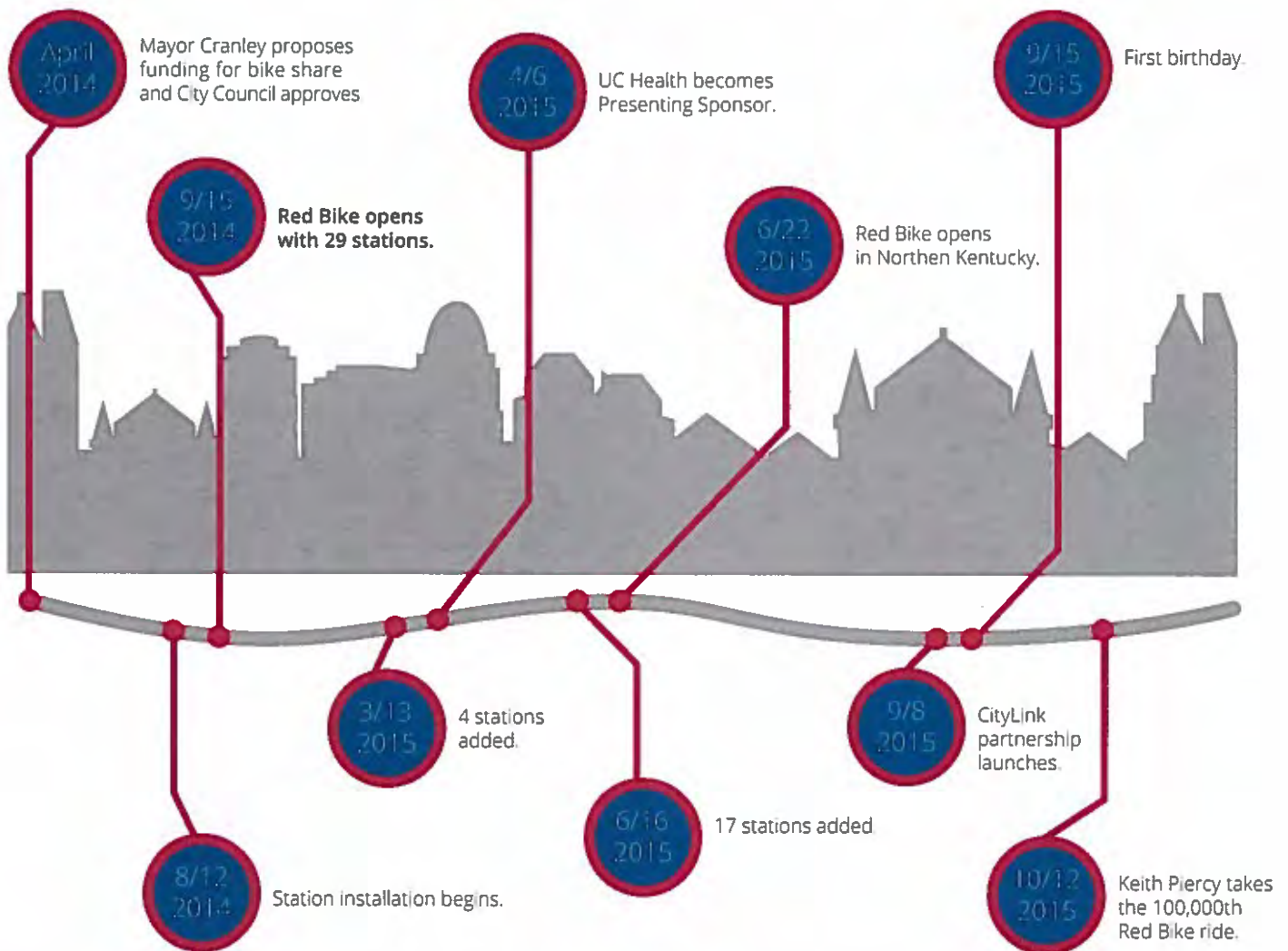
ATTEST:

June Batts, City Clerk



OVERVIEW

Red Bike is Cincinnati's newest and most fun system of public transportation. A bike sharing system consisting of 50 stations and 385 bikes, Red Bike is a 501(c)(3) non-profit organization dedicated to improving community by providing a low-cost, healthy, and green transportation option that makes Greater Cincinnati a more vibrant and connected community.





Northern Kentucky Stations

Shortly after Red Bike opened in Cincinnati, planning began to expand bike share into Northern Kentucky. In January, Southbank Partners hosted an informational meeting of community, civic, and business leaders to discuss how to make it happen. Those gathered enthusiastically embraced expanding Red Bike across the river. Expansion was championed by Mayor Sherry Carran of Covington, Mayor Jerry Peluso of Newport, and Mayor Ed Riehl of Bellevue and supported by the Covington Board of Commissioners, Newport Board of Commissioners, and Bellevue City Council.

Covington

Duveneck Square

Gateway College & Library

Roebling Point

RiverCenter & NKY Convention Center

MainStrasse

West 3rd & Bakewell

Newport

Newport on the Levee East

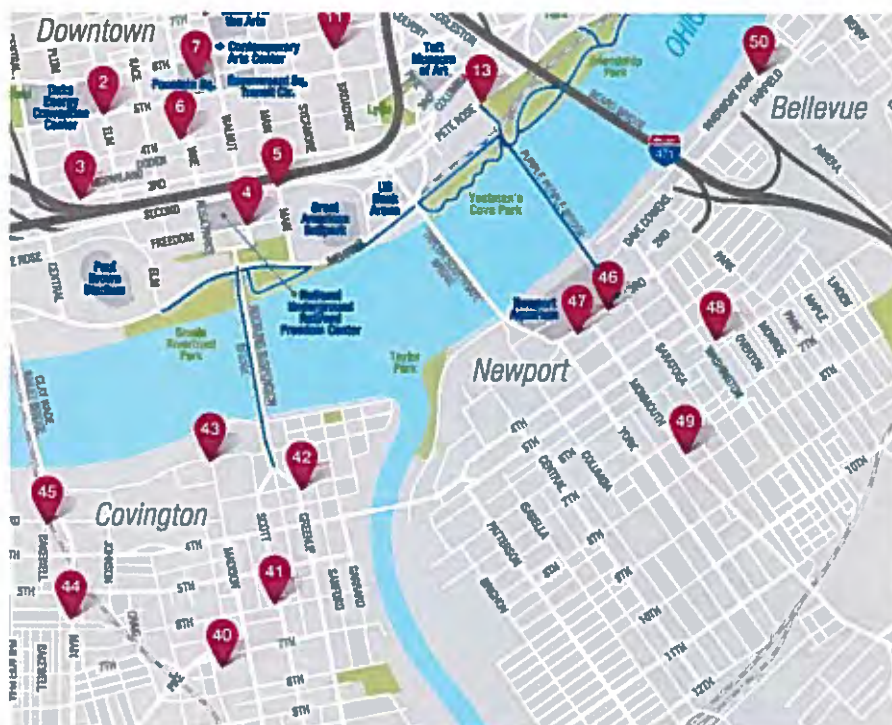
Newport on the Levee West

East Row Historic District

Monmouth

Bellevue

Port Bellevue





2014 FINANCIALS

Accrual Basis: January through December, 2014.

Balance Sheet

ASSETS

Current Assets

Checking/Savings 301,367.57

Total Current Assets 301,367.57

Fixed Assets

Capital Equipment

Bikes 188,627.43

Site Prep 72,379.00

Station 507,259.50

Total Capital Equipment 768,265.93

Leasehold Improvements 72,178.28

Office Equipment 1,726.52

Office Furniture 4,917.32

Vehicle 24,283.50

Total Fixed Assets 871,371.55

Other Assets 9,026.00

TOTAL ASSETS 1,181,765.12

LIABILITY & EQUITY

Liabilities

Current Liabilities

Accounts Payable 22,705.68

Other Current Liabilities 17,989.01

Total Liabilities 40,694.69

Equity

Unrestricted Net Assets 230,410.54

Net Income 910,659.89

Total Equity 1,141,070.43

TOTAL LIABILITIES & EQUITY 1,181,765.12

Profit & Loss

INCOME

Corporate Contributions 50,000.00

Foundations 440,000.00

Government Grants 579,638.50

Program Income 75,272.00

TOTAL INCOME 1,144,910.50

OPERATING EXPENSES

Salaries 127,813.84

Benefits and Taxes 16,040.43

Insurance 21,949.20

Marketing 23,205.96

Professional Services 13,624.25

Rent 5,500.00

Merchant Fees 2,845.72

Office Supplies 3,614.81

Phone & Internet Office 1,243.62

Station Wireless 4,020.95

Station Utilities 138.60

Travel 4,330.79

Station Parts 1,922.62

Bike Parts 163.74

Tools 1,514.69

Gas 1,003.25

Van Maintenance 1,145.60

Other 4,172.54

TOTAL EXPENSES 234,250.61

NET INCOME* 910,659.89

*Net Income is used to purchase capital equipment listed on Balance Sheet.



2015 FINANCIALS

Accrual Basis: January through December, 2015.

Balance Sheet

ASSETS

Current Assets

Checking/Savings 320,379.03

Total Current Assets 320,379.03

Fixed Assets

Capital Equipment

Bikes 337,898.11

Site Prep 131,893.00

Station 1,561,742.00

Total Capital Equipment 2,031,533.11

Leasehold Improvements 78,310.54

Office Equipment 2,698.50

Office Furniture 5,422.32

Vehicle 24,283.50

Total Fixed Assets 2,142,247.97

Other Assets 10,026.00

TOTAL ASSETS 2,472,653.00

LIABILITY & EQUITY

Liabilities

Current Liabilities

Accounts Payable 61,865.68

Other Current Liabilities 13,313.69

Total Liabilities 75,179.37

Equity

Unrestricted Net Assets 1,141,070.43

Net Income 1,256,403.20

Total Equity 2,397,473.63

TOTAL LIABILITIES & EQUITY 2,472,653.00

Profit & Loss

INCOME

Corporate Contributions 154,500.00

Individual/Business Contributions 51,714.00

Non-Profits/Foundations 373,000.00

Government Grants 590,276.50

Sponsorships 256,000.00

Program Income 314,729.28

Misc. Income 572.36

TOTAL INCOME 1,740,792.14

OPERATING EXPENSES

Salaries 211,439.58

Benefits and Taxes 57,067.11

Software Fees 87,124.95

Insurance 21,009.05

Marketing 12,417.49

Professional Services 8,065.33

Rent 21,449.97

Merchant Fees 16,445.70

Office Supplies 4,141.45

Phone & Internet Office 3,125.88

Cell Phone 1,011.95

Station Wireless 9,164.53

Station Utilities 1,189.95

Shop Utilities 3,397.03

Travel 2,618.65

Station Parts 5,708.57

Bike Parts 7,846.70

Tools 1,721.21

Gas 4,828.54

Van Maintenance 792.79

Other 3,822.51

TOTAL EXPENSES 484,388.94

NET INCOME* 1,256,403.20

*Net Income is used to purchase capital equipment listed on Balance Sheet

B

OUR FOUNDERS

Thank You for Your Continued Support



Newport Donors



East Row Historic Foundation
 Hemmer Management Group
 Paul Hemmer Company
 Xcelerate Partners
 Flying Pig Marathon
 Wiedemann's Fine Beer
 Peter & Kim Newberry
 Jeff & Missy Richardson
 The Bomprenzis
 The Kreutzjans Family
 Gene & Terri Martin
 River Metals Recycling
 Hofbräuhaus Newport
 Lynn & Dennis Schaber
 Carabello Coffee
 The Bruns Family
 The Yoga Bar
 Mansion Hill Properties
 Brady Ross
 Brian & Andrea Leukering
 Brighton Center, Inc.
 Clifton Neighborhood Group of Newport KY
 Keith and Jen Dershem
 Monmouth Street Antique Gallery
 Anonymous
 Star Building Materials
 The Guidugli Family
 The Think Shop & Red Hot Promotions
 Reser Bicycle Outfitters
 Ed and Beth Lorenz
 John and Elizabeth Robson
 The Fromme Family

Newport Donors (cont.)

Alexandra Brandner
 David and JoEllen Thompson
 Frank and Susan Peluso
 In memory of Bill and Katherine Ingram
 Josh Tunning
 Justin and Tiffany Wolnitzek
 Katharina's Café-Konditorei
 Keith Siereveld and Debbie Deppe
 Micky and Kate McElwain
 Neurohr Family
 PLACE Workshop
 Roger and Mary Ann Meyer
 The Brewers
 The Leyshocks
 The Tinkler Family
 The van Rooyen Family
 The Weghorsts
 Yolanda Borja and Jennifer Haines
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 Majors Family
 Mary Beth Crocker and Tom Dearing
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 Shelley Rudisill
 The de Cavel Family
 The Gettys
 Anonymous Donors

Covington Donors



John & Sue Topits Family
 Chuck & Julie Scheper
 A generous anonymous donor

Bellevue Donors



Mackey Advisors
 Weller Haus
 501 Salon & Spa
 Crawford Downing Insurance
 Cleves & Lonnemann Inc
 Philip & Mary Hagner
 New Riff Distilling
 AJR Electric
 Barry Baker
 John & Frances Williams
 Sarah Grace Mohr
 Ryan & Catherine Salzman
 Jason & Emily Taylor
 Alexander Kraemer
 Thompson Enamel
 Jody Robinson
 Bethany & David Bowling
 Alex Bowman
 Chris Ridenour
 Lisa Henry & Alvin Fechenda
 The Elusive Cow
 Cynthia Smith
 Janet & Richard Neidhard
 Anonymous Donors

ORDINANCE NUMBER 2017-1730

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-1705, AN ORDINANCE WHICH ADOPTED THE FY 2017 CITY OF MURRAY, KENTUCKY ANNUAL BUDGET BY RESTATING CERTAIN REVENUES AND EXPENDITURES FOR THE CITY OF MURRAY OPERATIONS BUDGET

WHEREAS, the Personnel and Finance Committee met April 13, 2017, to discuss the need to designate additional training expenditures for Hazardous Materials (HazMat) response preparedness through reallocation of planned equipment expenditures for HazMat equipment; and

WHEREAS, the Personnel and Finance Committee also discussed the designation of capital expenditures in the Natural Gas and Water and Wastewater funds for roof replacement for the Public Works and Utilities facilities; and

WHEREAS, the Personnel and Finance Committee intends to effectively budget and plan for anticipated needs of the City,

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MURRAY, KENTUCKY AS FOLLOWS:

Section 1. FIRE DEPARTMENT

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
TRAINING SCHOOL & SUPPLIES	\$8,000	\$12,000	\$4,000
CAPITAL EXPENDITURES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
OTHER EQUIPMENT	\$38,900	\$34,900	(\$4,000)

Section 2. PUBLIC WORKS CAPITAL EXPENDITURES BUDGET – MNGS (NATURAL GAS)

CAPITAL EXPENDITURES REQUEST	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
ROOF REPLACEMENT PUBLIC WORKS	\$0	\$12,000	\$12,000

Section 3. PUBLIC WORKS CAPITAL EXPENDITURES BUDGET – MWSS (WATER & SEWER)

CAPITAL EXPENDITURES REQUEST	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
ROOF REPLACEMENT PUBLIC WORKS	\$0	\$12,000	\$12,000

Section 4. In all other respects, Ordinance Number 2016-1705, as amended, is hereby reaffirmed.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

Introduced by the City Council on April 13, 2017.
Adopted by the City Council on _____, 2017.
Published in the Murray Ledger and Times on _____, 2017.

ORDINANCE NUMBER 2017-1731

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-1705 WHICH ADOPTED THE 2016-2017 CITY OF MURRAY, KENTUCKY ANNUAL BUDGET BY RESTATING CERTAIN REVENUES AND EXPENDITURES FOR THE CITY OF MURRAY OPERATIONS BUDGET AND AMENDING THE PAY CLASSIFICATION PLAN

WHEREAS, the Finance/Personnel Committee met April 13, 2017, and discussed amending the job responsibilities of the City Clerk position; and

WHEREAS, it was also discussed to increase the grade of the position due to the nature of the added job responsibilities; and

WHEREAS, it was also discussed the need to increase the expenditures line item in the Administration Department budget in the Fiscal Year 2018 budget to accommodate the increased pay range; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY KENTUCKY:

Section 1: The Pay Classification Plan Detail for City Clerk is hereby amended to read as follows:

Current Grade	New Grade	Current Rate of Pay		New Rate of Pay		Position
		Min	Max	Min	Max	
22	<u>30</u>	13.8496	22.5105	19.6661	32.2417	City Clerk

Section 2: In all other respects, Ordinance Number 2016-1705, as amended, is hereby reaffirmed.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

Introduced by the City Council on April 13, 2017.

Adopted by the City Council on _____, 2017.

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

ORDINANCE NUMBER 2017-1729

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-1705, AN ORDINANCE WHICH ADOPTED THE FY 2017 CITY OF MURRAY, KENTUCKY ANNUAL BUDGET BY RESTATING CERTAIN REVENUES AND EXPENDITURES FOR THE CITY OF MURRAY OPERATIONS BUDGET.

WHEREAS, the Personnel and Finance Committee met March 23, 2017, to discuss the need to designate operating expenditures in the Planning, Street, Natural Gas, Water and Wastewater, Central Garage, and Stormwater funds for lease payments related to the fleet management program; and

WHEREAS, the Personnel and Finance Committee discussed the proceeds from the sale of the City-owned property on North 12th Street north of the Murray Calloway County Chamber of Commerce known as Tract C; and

WHEREAS, the Personnel and Finance Committee discussed the cost of sale of Tract C and allocated expenditures for those associated costs; and

WHEREAS, the Personnel and Finance Committee discussed the allocation of a portion of proceeds toward facility improvements for the City-owned building on Tract D and occupied by the Murray Calloway County Chamber of Commerce building; and

WHEREAS, the Personnel and Finance Committee discussed the allocation of a portion of proceeds toward the operations of the Murray Calloway County Economic Development Corporation; and

WHEREAS, the Personnel and Finance Committee discussed the allocation of the remaining proceeds toward the repurposing of City-owned property at 104 North Fifth Street as the Murray Police Department; and

WHEREAS, the Personnel and Finance Committee discussed the acquisition of 500 Main Street as the new location for Murray City Hall and the appropriation of capital outlay from the Natural Gas fund for the acquisition and facility improvements related to that acquisition; and

WHEREAS, the Personnel and Finance Committee discussed amending the gasoline expenditures for the Fire Department and reallocate that amendment toward the procurement of a lawn mower for Fire Station #2; and

WHEREAS, the Personnel and Finance Committee discussed necessary facility improvements to the Benton Pump Station #1 to be funded from the capital budget of the Water and Wastewater fund; and

WHEREAS, the Personnel and Finance Committee discussed deferment of the planned security improvements to Benton Pump Stations #1 and #2 to accommodate for the Benton Pump Station #1 facility improvements; and

WHEREAS, the Personnel and Finance Committee discussed the audited fund balances based on the FY2016 audit and necessary beginning fund balance adjustments in the General Fund, Municipal Aid Tax, Local Government Economic Assistance, Cemetery, E911, Alcoholic Beverage Control, and Court Awards Funds; and

WHEREAS, the Personnel and Finance Committee intends to effectively budget and plan for anticipated needs of the City,

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MURRAY, KENTUCKY AS FOLLOWS:

Section 1. GENERAL FUND RECEIPTS

OTHER FUND SOURCES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
PROCEEDS FROM SALE OF ASSETS	\$0	\$400,000	\$400,000
FUNDS AVAILABLE BEGINNING OF YEAR	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUNDS AVAILABLE BEGINNING OF YEAR	\$3,042,382	\$3,770,806	\$728,424

Section 2. SPECIAL APPROPRIATIONS

SPECIAL FUND EXPENDITURES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
ECONOMIC DEVELOPMENT PROJECT CONSIDERATION			
	\$25,000	\$125,000	\$100,000
IMPROVEMENTS TO CITY FACILITIES OCCUPIED BY CHAMBER OF COMMERCE			
	\$0	\$90,000	\$90,000
COST OF SALE OF TRACT C	\$0	\$7,500	\$7,500
CONTRIBUTION TO REPURPOSE 104 N. 5th STREET			
	\$0	\$177,500	\$177,500

Section 3. PLANNING DEPARTMENT

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
VEHICLE LEASE EXPENSE	\$0	\$4,200	\$4,200

Section 4. FIRE DEPARTMENT

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
GASOLINE	\$38,200	\$32,800	(\$6,000)
CAPITAL EXPENDITURES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
OTHER EQUIPMENT	\$32,900	\$38,900	\$6,000

Section 5. STREET DEPARTMENT

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
VEHICLE LEASE EXPENSE	\$0	\$4,800	\$4,800

Section 6. MUNICIPAL AID TAX PROGRAM

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$18,255	\$46,353	\$28,098

Section 7. LOCAL GOVERNMENT ECONOMIC ASSISTANCE

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$8,400	\$8,364	(\$36)

Section 8. CEMETERY PERPETUAL CARE

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$113,836	\$160,979	\$47,143

Section 9. E911 EMERGENCY PROGRAM

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$28,567	\$53,474	\$53,474

Section 10. ALCOHOLIC BEVERAGE CONTROL PROGRAM

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$14,458	\$46,890	\$32,432

Section 11. COURT AWARDS

REVENUES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
FUND BALANCE CARRYOVER	\$35,500	\$34,828	(\$672)

Section 12. NATURAL GAS DEPARTMENT

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
VEHICLE LEASE EXPENSE	\$0	\$29,900	\$29,900

Section 13. PUBLIC WORKS CAPITAL EXPENDITURES BUDGET – MNGS (NATURAL GAS)

CAPITAL EXPENDITURES REQUEST	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
PURCHASE NEW CITY HALL	\$0	\$1,200,000	\$1,200,000

Section 14. WATER & WASTEWATER DEPARTMENT

OPERATIONAL COSTS	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
WASTEWATER PLANT	\$950,000	\$956,600	\$6,600
WATER & WASTEWATER FIELD	\$375,000	\$376,050	\$1,050
ENGINEERING	\$75,000	\$77,100	\$2,100
GENERAL OFFICE	\$165,000	\$166,050	\$1,050
ADMINISTRATIVE	\$80,000	\$84,650	\$4,650

Section 15. PUBLIC WORKS CAPITAL EXPENDITURES BUDGET – MWSS (WATER & SEWER)

CAPITAL EXPENDITURES REQUEST	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
BENTON PS #1 UPGRADE	\$0	\$40,000	\$40,000
BENTON PS #1 SITE/SECURITY	\$25,000	\$0	(\$25,000)
BENTON PS #2 SITE/SECURITY	\$25,000	\$0	(\$25,000)

Section 16. CENTRAL GARAGE

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
VEHICLE LEASE EXPENSE	\$0	\$6,000	\$6,000

Section 17. STORM WATER UTILITY

OPERATING EXPENSES	<u>Budgeted</u>	<u>Amended</u>	<u>Difference</u>
VEHICLE LEASE EXPENSE	\$0	\$2,100	\$2,100

Section 18. In all other respects, Ordinance Number 2016-1705, as amended, is hereby reaffirmed.

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

Introduced by the City Council on March 23, 2017.

Adopted by the City Council on _____, 2017.

Published in the Murray Ledger and Times on March __, 2017.

ORDINANCE 2017-1732

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §72 PARKING, SPECIFICALLY §72.01 FINDINGS AND INTENT; §72.02 GENERAL PROVISIONS; §72.03 AUTHORITY TO RESTRICT PARKING; §72.04 PARKING OF CERTAIN VEHICLES PROHIBITED; §72.05 FREIGHT OR PASSENGER LOADING ZONES; §72.06 PARKING FOR PROHIBITED PURPOSES; §72.07 VICARIOUS RESPONSIBILITY; §72.08 PARKING IN PRIVATE OR MUNICIPAL PARKING LOTS; §72.09 HEARING BOARD ESTABLISHED; §72.10 NOTICE OF PARKING VIOLATION; §72.11 CONTEST OF VIOLATION; HEARING; APPEAL; §72.12 VEHICLE IMPOUNDMENT; §72.13 REDEMPTION OF IMPOUNDED VEHICLE; §72.14 HEARING OF THE VALIDITY OF IMPOUNDMENT; APPEAL; §72.15 VEHICLE DEEMED ABANDONED; ESCHEAT TO THE CITY; DISPOSAL OF VEHICLE; §72.16 LIEN FOR FINES AND OTHER CHARGES; §72.99 PENALTY; AND CREATING A NEW SECTION ENTITLED §72.17 "LIEN FOR FINES AND OTHER CHARGES" IN ORDER TO IMPROVE, MODIFY, CLARIFY AND REVISE PROVISIONS ADDRESSING PARKING WITH THE CITY OF MURRAY.

WHEREAS, the City of Murray desires to amend Chapter §72 in all respects, specifically §72.01, §72.02, §72.03, §72.04, §72.05, §72.06, §72.07, §72.08, §72.09, §72.10, §72.11, §72.12, §72.13, §72.14, §72.15, §72.16 and §72.99 and to create a new section §72.17 entitled "Lien For Fines And Other Charges" in order to improve, modify, clarify and revise provisions addressing parking within the City of Murray.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §72 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 72: PARKING

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

§72.01 FINDINGS AND INTENT. DEFINITIONS

"ABANDONED VEHICLE." A vehicle that has been parked or remains standing the public right-of-way in excess of seventy-two (72) hours.

"ACCESSIBLE (HANDICAP) PARKING" Parking set aside for person with disabilities, which limit or impair the ability to walk.

"ALLEY." A street intended to provide access to the rear or side lots of buildings in urban areas and not intended for the purpose of through vehicular traffic.

"AUTHORIZED EMERGENCY VEHICLE." Any official law enforcement vehicle, ambulance, or fire suppression vehicle when operated in connection with an emergency.

"AUTOMOBILE." Any self-propelled vehicle which is capable of transporting ten (10) or fewer passengers, but shall not include motorcycles, motor driven cycles or farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.

“CHILD BOOSTER SEAT.” A child passenger restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.

“CHILD RESTRAINT SYSTEM.” Any device manufactured to transport children in an automobile which conforms to all applicable Federal Motor Vehicle Safety Standards.

“CROSSWALK.”

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the center line;

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface, which might be supplemented by contrasting pavement texture, style, or color. (References: Manual on Uniform Traffic Control Devices, 2009 edition and KRS 189.010).

“DAY” With the exception of KRS 86.625 (Impoundment), the word “day” shall mean calendar day.

“HIGHWAY.” Any public way for the purposes of vehicular travel, including the entire area within the right-of-way. (References: Manual on Uniform Traffic Control Devices and KRS 189.010).

“IMPOUNDMENT.” The removal of a vehicle to a storage facility either by an officer or other persons authorized by the Chief of Police in response to a request from an officer or other persons authorized by the Chief of Police.

“JUNKED VEHICLE.” Any inoperative motor vehicle which is wrecked, dismantled, partially dismantled or discarded.

“PUBLIC SAFETY VEHICLE.” Means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers, or trucks.

“RIGHT-OF-WAY.”

(1) An easement, an area of land transformed or dedicated and accepted by the City or State for public use over which people or goods have the right to pass or travel;

(2) An assignment, the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

“ROADWAY.” That portion of a street or highway improved, designed or ordinarily used for vehicular travel and parking lanes, but exclusive of the sidewalk, berm, or shoulder. If a street includes two or more separate roadways, the term “ROADWAY” as used herein shall refer to any roadway separately but not to all such roadways collectively. (References: Manual on Uniform Traffic Control Devices, 2009 Edition and KRS 189.010).

“STREET.” See “HIGHWAY.”

“TRAFFIC.” Pedestrians, bicyclists, ridden or herded animals, vehicles, or other conveyances either singularly or together while using for purposes of travel any street or highway.

“TRAFFIC CONTROL DEVICE.” A sign, signal, marking, or other device, used to regulate, warn, or guide traffic placed on, over or adjacent to a street or highway by the authority of a public body, agency, or official having jurisdiction.

“TRAFFIC MANAGEMENT MANUAL.” A set of guidelines, consisting of the Traffic Control Request Policy and the On-Street Parking Guide and other policies as amended, used by the Traffic Safety Committee to provide for consistent treatment of traffic management and control issues within the City of Murray, as adopted by the City of Murray.

“VEHICLE.” Every device in, upon, or by which any person or property can be transported or drawn upon a street or highway.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

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

§72. 02_ ~~GENERAL PROVISIONS~~ FINDINGS AND INTENT.

(A) The City finds that parking on public rights-of-way and other City-controlled properties is regulated to promote traffic safety, enhance the smooth flow of traffic, and in certain areas of high demand for parking spaces, to fairly allocate parking spaces among the public by limiting time.

(B) Limiting parking in business districts helps facilitate commerce by promoting frequent turnover for conducting business-related activities or shopping, rather than employee or any other long-term parking.

(C) Effective enforcement of parking regulations is required to meet the objectives of the chapter, and to protect the health, safety and welfare of both drivers and pedestrians using public rights-of-way.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.03 ~~AUTHORITY TO RESTRICT PARKING~~ GENERAL PROVISIONS.

No person shall stop, stand, or park a vehicle in any of the following public places or manners, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, or other authorized person, or pursuant to a traffic control device:

(A) On the unimproved portion of a street, such as the berm or shoulder, within ten (10) feet of the roadway, subject to the exception of a vehicle that has been disabled in such a manner and to such an extent that it is impossible or impracticable to avoid the occupation of the shoulder until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder for twenty-four (24) hours or more;

- (B) On a sidewalk;
- (C) In front of sidewalk ramps provided for persons with disabilities;
- (D) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plates or permits issued by any state;
- (E) In front of or within ten (10) feet of the entrance to a public or private driveway or alleyway, or within thirty (30) feet of the driveway entrance to any fire station;
- (F) On a crosswalk or within twenty (20) feet of a crosswalk not located at an intersection;
- (G) Within an intersection or within thirty (30) feet of any traffic control devices such as a flashing beacon, stop sign, yield sign, or traffic control signal;
- (H) Within ten (10) feet of a fire hydrant, fire safety sprinkler, standpipe or other fire protections system control valve, whether such valve is mounted on a building or on the ground;
- (I) In a marked fire Lane;
- (J) On the approach to or upon any bridge, causeway, or within any tunnel;
- (K) In the opposite direction of the movement of traffic;
- (L) In an alley, except while loading or unloading individuals, merchandise, or other materials or within a marked and designated parking space;
- (M) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (N) In an area between the roadways of a divided street;
- (O) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (P) At any place where any portion of the vehicle extends into an area where official signs or other markings prohibit stopping, standing, or parking, or where the curb is painted red;
- (Q) At any place where any portion of the vehicle is parked in a manner so that the vehicle is not completely within a designated space; or
- (R) In any area that is signed or painted as to restrict parking.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.04 ~~PARKING OF CERTAIN VEHICLES PROHIBITED~~AUTHORITY TO RESTRICT PARKING.

The City shall adopt regulations which shall be designated as the “traffic management manual” prohibiting the stopping, standing or parking of vehicles or limiting the length of time vehicles may be parked during certain hours on designated streets or portions thereof, and shall post proper signs on

such streets accordingly. The Traffic Safety Committee is hereby authorized to determine or designate parking prohibitions. The City of Murray's Traffic Management Manual, which includes the on-street parking guide, shall serve as the primary policy for on-street parking. In adopting such regulations, the Traffic Safety Committee may consider:

- (A) The nature of the land use within the block;
- (B) The volume of traffic;
- (C) The volume of parking;
- (D) The surface width of the street;
- (E) The relationship between the need for parking space for the land use of the block and the need for parking space for the general public;
- (F) Patrons and prospective patrons of places within the block or area to be served by the parking restrictions; and
- (G) The hours of the day or night when use of the parking zone is necessary or most convenient.

AMENDMENT V. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.05 ~~FREIGHT OR PASSENGER LOADING ZONES~~PARKING OF CERTAIN VEHICLES PROHIBITED.

(A) No person shall park a camper, motor home, trailer or truck or other vehicle exceeding seven (7) feet on overall width (excluding mirrors) or twenty (20) feet in overall length or seven and ~~on one-half~~ (7 ½) feet in overall height on any City street for more than six (6) hours without special permission from the Police Department. No person shall park a utility, golf cart or box trailer exceeding 8 feet in overall length on any City street for more than six (6) hours without special permission from the Police Department.

(B) No person shall park an abandoned vehicle or junked vehicle on any city street for any period of time.

AMENDMENT VI. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.06 ~~PARKING FOR PROHIBITED PURPOSES~~FREIGHT OR PASSENGER LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials or passengers in any place marked a loading zone during the hours when the provisions applicable to such zones are in effect.

AMENDMENT VII. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.07 VICARIOUS RESPONSIBILITY PARKING FOR PROHIBITED PURPOSES.

No person shall stop, stand or park a vehicle upon any public street for the principle purpose of:

- (A) Displaying the vehicle for sale, lease, or other promotional purposes;
- (B) Greasing, washing, or repairing the vehicle, except for repairs necessitated by an emergency;
- (C) Storage;
- (D) Selling merchandise from the vehicle, except when authorized by permit; or
- (E) Commercial advertising, however, nothing in this section shall prevent the stopping, standing, or parking of any vehicle while used in the regular course of the same business as advertised thereon.

AMENDMENT VIII. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.08 PARKING IN PRIVATE OR MUNICIPAL PARKING LOTS VICARIOUS RESPONSIBILITY.

(A) The person in whose name a vehicle is registered at the time of the violation shall be absolutely responsible for all fines, fees and penalties. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner, unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under a written rental or leasing agreement shall not be liable for parking fines and penalties imposed under this chapter on such rented or leased vehicles, if within fifteen (15) days after receiving notice of the parking violation, the lessor provides to the Police Department the true name, address and driver's license number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner.

AMENDMENT IX. ADDITIONS, ASSERTIONS & CHANGES:

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

§72.09 HEARING BOARD ESTABLISHED PARKING IN PRIVATE OR MUNICIPAL PARKING LOTS.

(A) No person shall park a vehicle for a period of time longer than twelve (12) hours in any twenty-four (24) hour period of any day except Sundays in any municipal parking lots.

(B) No person shall park or abandon a vehicle on another's property or upon an area developed as an off street parking facility without the consent of the owner or the authorized agent of the owner of the property or facility and such facility is properly posted with signs that declare the property is privately owned and any unauthorized vehicles will be towed at the owner's expense. If at any time a vehicle is

parked in violation of this provision of this section, the Police Department, upon written complaint of the owner or their authorized agent, may remove or cause to be removed, the vehicle in accordance with the provisions of §72.12 through §72.16. (Reference KRS 189.725).

AMENDMENT X. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 72.10 NOTICE OF PARKING VIOLATION HEARING BOARD ESTABLISHED.

(A) Pursuant to KRS 82.600, the City hereby establishes a Parking Enforcement Hearing Board, consisting of three (3) members. The membership of the Parking Enforcement Hearing Board shall consist of the following: One (1) member shall be a supervisor within the Murray Police Department: one (1) shall be a resident of the City of Murray, who is preferably a graduate of the Citizens Police Academy; and the third and final member shall be a supervisor within the Murray Street Department. Members of the Parking Enforcement Hearing Board shall be appointed by the executive authority of the City, subject to the approval of the legislative body.

(B) Two (2) city residents shall be appointed. One shall be appointed as the primary member for a period of three (3) years and the other shall be appointed for a period of two (2) years as an alternate member to serve in the primary member's absence. Resident members shall be compensated at a rate of twenty-five dollars (\$25.00) per meeting.

(C) It shall be the duty of the Parking Enforcement Hearing Board to conduct hearings pursuant to KRS 82.605 to 82.640, with respect to parking violations and impoundment of vehicles resulting from parking violations, as more particularly set forth in this chapter.

(D) Any requests for hearings before the Parking Enforcement Hearing Board shall be sent to the Murray Police Department.

AMENDMENT XI. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 72.11 ~~CONTEST OF VIOLATION; HEARING; APPEAL~~ NOTICE OF PARKING VIOLATION.

(A) ~~A notice of violation~~ Any vehicle parked in violation of this chapter shall be issued ~~in the form of~~ a citation by any police officer or other person authorized by the Chief of Police. A copy of the citation shall be issued by conspicuously placing it on the windshield of an illegally parked vehicle in a secure manner or in a prominent place thereon. Such posting of the citation shall be deemed prima facie evidence that the violation occurred and that the owner of the vehicle was properly notified of the violation. In the event that the registered owner of the vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, this in fact shall be noted on the citation and shall constitute prima facie evidence that the citation was issued and that an attempt was made to notify the owner of the vehicle of the violation in accordance with this section.

(B) The citation shall contain the following information:

- (1) The date and time the citation was issued;

- (2) A statement of the specific parking violation for which the citation was issued;
- (3) A statement of the monetary penalty established, as provided in §72.99;
- (4) The registration number and make of vehicle in violation of this chapter;
- (5) The name or an identifying number of the person issuing the citation;
- (6) A statement that the notice represents a determination that a parking violation has been committed by the owner of the vehicle and that the determination shall be final unless the person requests a hearing before the Parking Enforcement Hearing Board within seven (7) days;
- (7) The procedure for the person to follow in order to respond to the citation or to contest the citation; and
- (8) A statement that a parking violation may result in impoundment of the vehicle for which the owner may be liable for a fine and towing and storage charges or fees.

(C) If the owner of a vehicle cited for a parking violation has not responded to the notice within seven (7) days, a second notice shall be sent to the last known address of the registered owner by certified mail. Such notice shall state that if the owner does not respond to the notice by either paying the fine or by requesting in writing a hearing within seven (7) days of receipt of the notice, the owner shall be deemed to have waived his or her right to a hearing and the determination that a violation was committed shall be considered final.

AMENDMENT XII. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 72.12 VEHICLE IMPOUNDMENT; CONTEST OF VIOLATION; HEARING; APPEAL

(A) Any person cited for a parking violation may contest the determination that a violation occurred by requesting, in writing, a hearing before the Parking Enforcement Hearing Board. The request for a hearing shall be addressed to the Parking Enforcement Hearing Board and delivered to the Murray Police Department within the required seven (7) day time limit. When a hearing has been requested, the Board shall schedule a hearing to be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. Not less than seven (7) days before the date of the hearing, the City shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery, or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and shall be deemed to have refused to pay the fine levied by the citation. The Board shall enter a final order determining the violation was committed and shall impose the appropriate civil penalty. A copy of the order shall be served on the violator.

(B) At the hearing, the Board may consider the parking citation, and any other written report made under oath by the officer who issued the citation in lieu of an officer's personal appearance at the hearing. After consideration of the evidence, the Board shall determine whether a violation was committed. Where is it has not been established that the violation was committed, an order dismissing the citation

shall be entered. Where it has been established that a violation was committed, the Board shall uphold the citation and order the owner to pay the citation within seven (7) days. An administrative hearing fee of fifty dollars (\$50.00) will be added to the amount of the original fine if the Board upholds the citation. A copy of such order shall be furnished to the owner. If the fine amount plus the administrative hearing fee is not received within seven (7) days of the hearing date, a late fee of fifty dollars (\$50.00) shall be added to the original fine amount. Failure to pay the fine(s) within an additional seven (7) days may result in a summons being issued in the name of the registered owner of the vehicle requiring the owner to appear in Calloway County District Court.

(C) An appeal from the Parking Enforcement Hearing Board's determination may be made to the Calloway County District Court within seven (7) days of the Board's determination. The appeal shall be initiated by filing a complaint and a copy of the Parking Enforcement Hearing Board's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the City to establish that a violation occurred. If the Court finds that a violation occurred, the owner shall be ordered to pay to the City ALL FINES, FEES AND PENALTIES OCCURRING AS OF THE DATE OF JUDGMENT.

AMENDMENT XIII. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 72.13 REDEMPTION OF IMPOUNDED VEHICLEVEHICLE IMPOUNDMENT.

(A) A vehicle may be impounded without giving prior notice to its owner under the following circumstances:

- (1) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;
- (2) The vehicle poses an immediate danger to the public safety;
- (3) The vehicle is illegally parked within ten (10) feet of a fire hydrant;
- (4) The vehicle is illegally parked within a marked fire lane;
- (5) The vehicle, without a valid designated plate or placard issued under state law, is parked in a space clearly marked and designated for use by disabled persons;
- (6) A police officer reasonably believes that the vehicle is stolen;
- (7) The vehicle is parked in a private parking lot pursuant to §72.08;
- (8) The vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance or regulation, and there are five (5) or more outstanding parking citations issued against the vehicle that have not been responded to, appealed to the Parking Enforcement Hearing Board, or been appealed to the Calloway County District Court; or
- (9) The vehicle is abandoned or is a junk vehicle.

(B) All vehicles seized for impound by the City of Murray Police Department shall be towed to an impound lot designated by the Murray Police Department.

(C) All vehicles towed at the request of the City for violations of this chapter shall be towed by companies approved by the City.

(D) For any vehicle towed to the City's impound lot, the operator for the towing company shall give to the arresting officer or charging officer an invoice for the towing charge. The towing fees shall be collected by the City and will be remitted to the towing company on a biweekly basis. The registered vehicle owner shall be responsible to reimburse the City for towing fees.

(E) For any vehicle towed to the City's impound lot, storage fees shall be charged for impounded vehicles at the rate of fifteen dollars (\$15.00) per day for the first thirty (30) days and then five dollars (\$5.00) per day for each day thereafter, not to exceed six hundred (\$600) per year. Storage fees for any vehicle towed to an impound lot other than a city owned impound lot, shall be determined by the impound lot owner. The registered owner shall be responsible for all storage fees.

AMENDMENT XIV. ADDITIONS, ASSERTIONS & CHANGES:

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

~~§ 72.14 HEARING OF THE VALIDITY OF IMPOUNDMENT; APPEAL~~REDEMPTION OF IMPOUNDED VEHICLE.

Only the registered owner or other person entitled to possess, may redeem an impounded vehicle. A person redeeming an impounded vehicle shall produce proof of ownership or right to possession. A vehicle impounded may only be released upon proof that the registered owner or person entitled to possession shall have satisfied any and all fines, penalties, fees or forfeitures prior to the release of such vehicle.

AMENDMENT XV. ADDITIONS, ASSERTIONS & CHANGES:

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

~~§ 72.15 VEHICLE DEEMED ABANDONED—ESCHEAT TO THE CITY—DISPOSAL OF VEHICLE~~

HEARING OF THE VALIDITY OF IMPOUNDMENT; APPEAL

(A) The owner of a vehicle or other person entitled to possession which has been impounded pursuant to §72.12(A), may challenge the validity of such impoundment by requesting in writing a hearing before the Parking Enforcement Hearing Board.

(B) The hearing shall be conducted within ten (10) business days of the date of the request, unless the registered owner or other person entitled to possession waives the limitation or the City shows good cause for such delay.

(C) The City shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond or other security in a form satisfactory to the City in an amount equal to the fines and fees accrued as of the date of the hearing request, or seventy-five dollars (\$75.00) whichever is less.

(D) If the owner or person claiming right of possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy two (72) hours of the date of the request for hearing is received, unless such person requests or agrees to a continuance.

(E) No less than five (5) days prior to the date set for the hearing, the City shall notify the person requesting the hearing of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested, by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

(F) In the case of a hearing required to be held within seventy-two (72) hours of the date of request as provided in division (D) of this section, the person requesting the hearing shall be informed at the time of their request, or as soon thereafter as practicable, of the date and time of the hearing.

(G) Any person requesting a hearing, who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his or her and the owner's behalf the validity of the impoundment.

(H) At the hearing, after consideration of the evidence, the Parking Enforcement Hearing Board shall determine whether the impoundment was valid and reasonable. Where it is not established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines, fees paid or amounts posted as bond because of impoundment of the vehicle shall be returned. When it is established that the impoundment was justified, the Board shall uphold the impoundment and condition release of the vehicle upon the payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, the bond shall be forfeited to the City. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the City. The Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.

(I) The Board may consider the parking citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

(J) An appeal from the Parking Enforcement Hearing Board's determination may be made to the Calloway County District Court within seven (7) days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on the City to establish that impoundment was justified. If the court finds that the impoundment was justified the owner shall be ordered to pay all fees and fines accruing as of the date of judgment. If the Court finds that the impoundment was not justified, the City shall release the vehicle, if applicable, and to return all fines and fees paid as a result of the impoundment.

AMENDMENT XVI. ADDITIONS, ASSERTIONS & CHANGES:

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

~~§ 72.16 LIEN FOR FINES AND OTHER CHARGES~~VEHICLE DEEMED ABANDONED - ESCHEAT TO THE CITY - DISPOSAL OF VEHICLE.

(A) If within ten (10) business days of impoundment a motor vehicle impounded by the City has not been claimed, or a hearing has not been requested pursuant to §72.14 and KRS 82.625, notice shall be mailed by certified mail to the registered owner, if known, and lien holders of record, if any, affording the parties the right within ten (10) days from the date of notice to claim the vehicle or request a hearing pursuant to §72.14 and KRS 82.625. The notice shall state that, if no hearing is requested the vehicle shall be deemed abandoned unless the charges thereon are paid within forty-five (45) days of receipt of the notice.

(B) After forty-five (45) days from the date of notice required by division (A) of this section an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to the city, pursuant to KRS 82.630.

(C) If the vehicle is judged suitable for use, the City may obtain a certificate of registration and ownership from the Calloway County Clerk pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use, it may be sold for its scrap or junk value.

AMENDMENT XVII. ADDITIONS, ASSERTIONS & CHANGES:

§72.17 is hereby created to read in its entirety as follows:

72.17 LIEN FOR FINES AND OTHER CHARGES.

(A) The City shall possess a lien on a motor vehicle impounded pursuant to § 72.12 and KRS 82.625 for all fines, penalties, towing, handling and storage charges and other fees imposed thereon. Such lien shall be superior to and have priority over all other liens thereon.

(B) Pursuant to KRS 82.600 to 82.640, nothing shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim security interest therein.

AMENDMENT XVIII. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 72.99 PENALTY.

(A) The minimum monetary penalties for parking violations are hereby established as follows:

<i>Parking Violation</i>	<i>Penalty</i>
No parking zone	\$25.00 <u>50.00</u>
	\$25.00
Overtime	\$15.00 <u>25.00</u>
On a crosswalk	\$25.00 <u>50.00</u>
On a sidewalk	\$25.00 <u>50.00</u>
<u>Accessible (Handicap) parking areas</u>	\$75.00
Fire hydrant or marked fire lane	\$50.00 <u>75.00</u>
Blocking driveway	\$25.00 <u>50.00</u>
Loading zone	\$25.00
Within an intersection	\$75.00
Wrong side	\$25.00 <u>50.00</u>
Blocking traffic	\$75.00
All others	\$20.00 <u>25.00</u>

(B) Any person found to be in violation of Chapter 72 shall be fined not less than the minimum fine set forth in division (A) of this section for each separate violation.

(C) If the owner of the vehicle cited is deemed to have waived their right to a hearing under the provisions of §72.10(C) and has not satisfied the penalty established in division (A) of this section, within thirty (30) days of the date of citation, a late fee of one hundred dollars (\$100.00) shall be added to the fine. For each successive thirty (30) day period in which the fine and late fee remains unpaid an additional one hundred dollars (\$100.00) late fee shall be assessed.

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 2017-1733

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, §73 SPECIAL VEHICLES, SPECIFICALLY §73.02 OPERATION WITHIN CONFINES OF CITY PARK; AND §73.99 PENALTY IN ORDER TO IMPROVE AND MODIFY THE PROVISIONS ADDRESSING SPECIAL VEHICLES WITHIN THE CITY OF MURRAY.

WHEREAS, the City of Murray desires to amend Chapter §73.02 and §73.99 in order to improve and modify the provisions addressing special vehicles within the City of Murray.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter §73 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 73: SPECIAL VEHICLES

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

§ 73.02 OPERATION WITHIN CONFINES OF CITY-PUBLIC PARK.

No dune buggy, go-cart, all-terrain vehicle, motorbike, motor scooter, trail bike, motorcycle, snowmobile, or similar vehicle, other than maintenance or service vehicles shall be operated at any time within the confines of any ~~city~~ public park, except on existing roads, streets, parking lots, or any other areas, specifically designated by the Council, for the operation of such motorized vehicles.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 73.99 PENALTY

~~Any person, firm, corporation, or other legal entity violating any provision of this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than \$500, or sentenced to not more than six months in jail, or both so fined and imprisoned. It shall be unlawful for any person, firm, corporation, or other legal entity to violate or fail to comply with any provision of this chapter. Where no specific penalty is provided therefor, the violation of any provision of this chapter shall be deemed a misdemeanor and shall be punished by a fine not less than \$25, nor more than \$500, or imprisonment for a term not exceeding 12 months or by both the fine and imprisonment. However, the fine, forfeiture or penalty for a violation of this chapter shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense.~~

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 2017-1734

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES, CHAPTER 74 RAILROADS, SPECIFICALLY §74.03 RESTRICTING OPERATIONS AND PORTIONS OF RIGHT-OF-WAY TRAVERSED BY HIGHWAYS AND STREETS; §74.04 OPERATIONS; SIGNALS; §74.06 TRAINS BLOCKING TRAFFIC; AND §74.99 PENALTY; IN ORDER TO IMPROVE, MODIFY, AND REVISE THE PROVISIONS ADDRESSING RAILROADS WITHIN THE CITY OF MURRAY.

WHEREAS, the City of Murray desires to amend Chapter 74, specifically §74.03, §74.04, §74.06, and §74.99, in order to improve, modify, and revise the provisions addressing railroads within the City of Murray.

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter 74 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 74: RAILROADS

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

§ 74.03 RESTRICTING OPERATIONS AND PORTIONS OF RIGHT-OF-WAY TRAVERSED BY HIGHWAYS AND STREETS.

Each person, firm, or corporation who operates any train or engine, over any railroad right-of-way in the city shall operate such train and engine with due care for the safety of all persons lawfully on or about the right-of-way, and in addition thereto shall not place or permit to be placed any train or part thereof and leave same standing in one position longer than ten minutes, on any portion of the railroad right-of-way within 50 feet north and 50 feet south of the center of East Main Street of any railroad crossing within the city, and no train or part of a train shall be left standing in the restricted zone for any period of time except for convenience in switching or moving trains and portions of trains on the right-of-way.

AMENDMENT II. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 74.04 OPERATIONS; SIGNALS

Each person, firm, or corporation operating, having operated or permitting to be operated any railroad train over, on, or across ~~East Main Street~~ any railroad crossing within the city, in addition to the precautions required of railroads or common carriers by the general and specific laws of the state, shall construct and maintain a crossing signal at the crossing, which signal shall operate automatically and shall be so placed and situated as to be readily visible to persons approaching the crossing, which signal shall display red flashing lights at all times when a train in motion shall be within 1000 feet of the crossing and in addition to flashing light, a bell, or gong shall be so placed and caused to ring or sound with a volume of sufficient penetrative quality as that it will be readily heard by normal persons within

100 feet of the crossing and the bell or gong shall ring or sound continuously when any train in motion is within 1000 feet of the crossing.

AMENDMENT III. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 74.06 TRAINS BLOCKING TRAFFIC

No person, firm, or corporation shall operate or permit to be operated any engine or train in such manner as to block and prevent the crossing of persons and vehicles over the railroad right-of-way ~~on East Main Street~~ at any railroad crossing within the city for a longer period of time than five minutes.

AMENDMENT IV. ADDITIONS, ASSERTIONS & CHANGES:

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

§ 74.99 PENALTY

~~Any person, firm, or corporation who shall fail to perform any act by this chapter required, and any person who shall commit any act prohibited by this chapter shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum of not less than \$1 nor more than \$50 for each offense, and where any offense is a continuing act, or shall exist for longer than one day each shall be deemed a separate offense. It shall be unlawful for any person, firm, corporation, or other legal entity to violate or fail to comply with any provision of this chapter. Where no specific penalty is provided therefor, the violation of any provision of this chapter shall be deemed a misdemeanor and shall be punished by a fine not less than \$25, nor more than \$500, or imprisonment for a term not exceeding 12 months or by both the fine and imprisonment. However, the fine, forfeiture or penalty for a violation of this chapter shall not be less than the fine, forfeiture or penalty imposed by any state statute for the same offense. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.~~

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.

RESOLUTION NUMBER 2017-005

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL AID CO-OP PROGRAM CONTRACT BETWEEN THE INCORPORATED CITY AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF RURAL AND MUNICIPAL AID FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AS PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE PART OF THE INCORPORATED CITY.

Be it resolved by the Legislative Body of the Incorporated City that:

The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated City; and

The Legislative Body of the Incorporated City does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and

The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of Murray, and the City Clerk of Murray is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

AYES: _____

NAYS: _____

COMMONWEALTH OF KENTUCKY) ss:

INCORPORATED CITY OF MURRAY

Jack Rose, Mayor

I, June Batts, City Clerk of Murray, certify that the foregoing is a true copy of the Order above. Given under my hand and seal of office this the 13th day of April 2017.

Signed _____
City Clerk of Murray

**MUNICIPAL ROAD AID COOPERATIVE
PROGRAM AGREEMENT**

THIS AGREEMENT, entered into as of the date of the signature below of the Secretary of the Transportation Cabinet, is made by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid ("the Department"), and the Legislative Body of the Incorporated City of **MURRAY**, Kentucky (the "City").

WHEREAS, Kentucky Revised Statutes (KRS) § 177.365(1) provides that 7.7% of revenue resulting from the imposition of motor fuel taxes on taxpayers pursuant to KRS § 138.220(1)(2), KRS § 138.660(1)(2), and KRS § 234.320 shall be set aside by the Finance and Administration Cabinet for the construction, reconstruction, and maintenance of urban roads and streets, and for no other purpose ("Municipal Road Aid Funds"), and

WHEREAS, the City has accepted an invitation from the Department to allow it to participate in a cooperative program to aid the City in the construction, reconstruction, and maintenance of certain roads and bridges using its share of the Municipal Road Aid Funds apportioned to it by the Department as provided below (the "Cooperative Program"), and

NOW THEREFORE, in consideration of the terms and conditions contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Department and the City agree as follows:

1. Apportionment of Municipal Road Aid Funds. The City's apportionment of Municipal Road Aid Funds shall be based on revenue estimates supplied by the Office of State Budget Director. For the Fiscal Year beginning July 1, 2017, this amount is **\$350,516.46** (the "Apportionment"). The Apportionment shall be distributed by the Department to the City in accordance with the terms of this Agreement.

2. Assignment of the Apportionment. The City hereby assigns all of its right, title and interest in and to the Apportionment to the Transportation Cabinet's Division of Accounts for Fiscal Year 2018.

3. Distribution of Municipal Road Aid Funds. The City and the Department agree that the Apportionment shall be distributed by the Department to the City as follows:

a. First Distribution. The Department shall initially distribute to the City sixty percent (60%) of the Apportionment, less three percent (3%) of the Apportionment set aside for the emergency fund below. This initial amount is **\$204,001.00**.

b. Second Distribution. The Department shall distribute up to and including an additional thirty-five percent (35%) of the Apportionment to the City, less three percent (3%) of the Apportionment set aside for the emergency fund below. The amount of the second distribution will depend on how actual revenues compare to revenue estimates.

c. Final Distribution. The Department shall allocate and distribute the remaining balance of the Apportionment, less three percent (3%) set aside for the emergency fund below. The Final Distribution shall be based on actual revenues tabulated after the end of the fiscal year (June 30).

4. Emergency Fund. The City agrees that three percent (3%) of the Apportionment shall be withheld by the Department in an emergency fund (the "Emergency Fund"). The Emergency Fund shall include three percent (3%) of the total apportionments of all participants in the Cooperative Program, plus any remaining balances from previous fiscal years. The Department, upon written application from a duly authorized representative of the City, may disburse these funds to the City for the purpose of it using said funds for emergency roadway and bridge projects designated by the City and lying within city limits. If the actual cost of an

emergency project is less than the amount of Emergency Funds disbursed by the Department, then the City shall reimburse the difference to the Department.

5. Disbursement of Funds. Upon execution of this Agreement, the Department will disburse the foregoing allocated funds directly to the City to pay for materials, labor and equipment necessary for the City to accomplish construction, reconstruction, and maintenance on streets designated by the City and lying within city limits. This assistance is extended insofar as funds are available from the Apportionment. The City shall be responsible for all costs associated with the construction, reconstruction and maintenance of roadways and bridges in excess of the amount of the Apportionment allocated and disbursed by the Department to the City. The Department may assist the City in fulfilling its needs by disbursing funds to the City for materials and work performed by contract, for materials obtained by contract and for the rental or purchase of road maintenance and construction equipment. Any rental rates shall be based on current edition of the "Blue Book for Rental of Equipment" or the Department's official rental rates. The Department may also disburse funds to the City for the hourly rate for personnel who perform the work. This rate may include employee fringe benefits such as leave overlay, retirement, social security, insurance, etc.

6. Use of Municipal Road Aid Funds. The City agrees and certifies that the Apportionment will be expended by the City solely for the purpose of construction, reconstruction, and maintenance of city streets as defined in KRS § 177.365(4).

7. Rights of Way. The City, if required under applicable law, will acquire any rights-of-way contemplated under this Agreement and assumes responsibility for any claims for damages arising from such acquisitions.

8. Indemnification. The City shall fully indemnify, hold harmless and defend the Department from and against all claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation reasonable attorney's fees and costs), whether or not involving a third party claim, which arise out of, relate to or result from (a) any breach of any representation or warranty of the City contained in this Agreement, (b) any breach of any covenant or other obligation or duty of the City under this Agreement or under applicable law, in each case whether or not caused by the negligence of the Department and whether or not the relevant claim has merit.

9. Reimbursement of Losses. The City will reimburse the Department for losses it may sustain arising out of performance of this Agreement. Such loss as sustained by the Department may be charged to the Apportionment in this or future fiscal years.

10. Termination of Agreement. The Department reserves the right to cancel this Agreement at any time deemed to be in the best interest of the Department by giving thirty (30) days written notice of such cancellation to the City. If this Agreement is canceled under this provision, then the City will receive any unpaid portion of the Apportionment from the Finance and Administration Cabinet.

11. Access to Records. The City acknowledges and agrees that pursuant to KRS § 177.369(3) it shall retain all records of the expenditures of the Apportionment for a period of five (5) years and said records, including any books, documents, papers, records, or other evidence, which are directly pertinent to this agreement [records and other prequalification information confidentially disclosed as part of the bid process shall not be deemed as directly pertinent and shall be exempt from disclosure as provided in KRS 61.878(1)(c)], shall be subject to audit by the Finance and Administration Cabinet or its duly authorized agent and made accessible by the City

to the Finance and Administration Cabinet or its duly authorized agent for said period of time in order to determine the proper expenditure of said money for the purposes required by KRS § 177.365(1). The City also recognizes that any books, documents, papers, records, or other evidence received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS § 61.870 to KRS § 61.884.

12. Authorization. The Legislative Body of the City shall pass a resolution adopting and approving the terms of this Agreement in the form of the resolution attached to this Agreement and made a part hereof. The Chief Executive Officer of the City, and the Commissioner of the Department, or their authorized representatives, insofar as their actions are in accord with the laws of the Commonwealth of Kentucky, shall act for their respective parties on all matters arising under this Agreement.

13. Choice of Law and Venue. All questions as to the execution, validity, interpretation, construction and performance of this Agreement shall be governed by the laws of the Commonwealth of Kentucky. Furthermore, the parties hereto agree that any legal action which is brought on the basis of this Agreement shall be filed in the Franklin County Circuit Court of the Commonwealth of Kentucky.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the
dates listed below.

INCORPORATED CITY OF MURRAY

BY: _____
Chief Executive Officer

Date: _____

**DEPARTMENT OF RURAL AND MUNICIPAL AID
OFFICE OF RURAL & SECONDARY ROADS**

BY: _____
Commissioner

Date: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Office of Legal Services

Date: _____

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET**

BY: _____
Secretary

Date: _____

Jack Rose
Mayor



City of Murray



MUNICIPAL ORDER NUMBER 2017-013

Be it hereby ordered by the Murray City Council, duly assembled this date that Terry Strieter is hereby reappointed to the Board of Zoning Adjustments for a three (3) year term to expire April 13, 2020.

ADOPTED BY THE MURRAY CITY COUNCIL ON THE 13th DAY OF APRIL, 2017

Jack Rose, Mayor

ATTEST:

June Batts, City Clerk

TELEPHONE (270) 762-0300

104 North 5th Street, Suite A
Murray, Kentucky 42071
FAX (270) 761-0175
Website: www.murrayky.gov

TDD (270) 753-1621





City Council Staff Report

DATE: April 13, 2017

TO: Honorable Mayor and City Councilmembers

FROM: Planning and Engineering Department

SUBJECT: **RECOMMENDATION FROM THE PLANNING COMMISSION
ACCEPTING THE DEDICATION AND MAINTENANCE BY THE CITY OF
MURRAY THE STREET IDENTIFIED AS DEERFIELD RUN. -
APPLICANT: JUSTIN AND STEPHANIE PHILLIPS**

SYNOPSIS

Planning Commission recommends that the City Council accept the dedication, improvements and maintenance of Deerfield Run into the city's public street system.

BACKGROUND

Deerfield Run is part of the Deerfield Estates which is a 35 unit residential single family subdivision. Phases I and II of the Preliminary Plat have been recorded. The site has been graded and Phase I is nearly built out with homes.

Deerfield Run is an east/west local street that intersects with Robertson Road South just south of Quail Creek Drive. Latter phases of the subdivision will extend Deerfield Run to the future extension of Martin Drive, which will also be constructed by the subdivision. The improved segment of Deerfield Run which is under consideration for dedication and acceptance is Phase I of the overall subdivision. The roadway consists of a fifty (50) foot right of way and is approximately 425 feet in length. The improvements are completed and consist of curb, gutter and two 13.9-foot drive lanes with an overall roadway section of 29.6 feet. In addition to the right-of-way improvements, site water quality and drainage improvements have also been constructed.

PLANNING COMMISSION ACTION

The Planning Commission met in regular session on Tuesday, January 17, 2017. After holding a public hearing, the Commission voted 7-0 to recommend the acceptance of the dedication and improvements of this segment of Deerfield Run into the City's public street system.

ANALYSIS

City code requires that prior to accepting a street dedication and releasing the associated security bond, two main conditions must be met prior to the Planning Commission taking action. First is written verification from a registered engineer or land surveyor certifying that the street has been constructed in conformance to the approved street plan and profile requirements outlined in § 155.47 Final Plat Required (B). And secondly, that the Final Plat has been approved and the street was inspected by the City to determine if the street has been constructed to City requirements.

The project engineer, BFW Engineering and Testing, has submitted the required verification letter and is an attachment. In addition, the street improvements have been inspected and are in conformance to the approved plans as well as all other City requirements. Based on these facts, the Commission recommended to City Council the acceptance and dedication of this segment of Deerfield Run. This recommendation is based on the following facts:

1. The testimony presented in this public hearing has shown that written certification from a registered professional engineer/land surveyor that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings as required under § 155.47 Final Plat Required (B) has been received and accepted; and .
2. The City has determined that all improvements have been properly installed, that the final plat for Phase I which entails this segment of Deerfield Run has been approved, and that all applicable requirements of the subdivision regulations and zoning code for Phase I have been met.

RECOMMENDATION:

Staff recommends that the City Council accept the Planning Commission's recommendation to accept the dedication, improvements and maintenance for this segment of Deerfield Run.

A reduced copy of the plat, Engineer's certification letter and a copy of the Planning Commission minutes are attached.

Prepared By:
Gerald Gilbert
Planning Manager

Submitted By:
David Roberts
Director Planning and Engineering

Attachments:

1. Aerial Photo
2. Plat
3. Engineer's Certification Letter
4. Planning Commission Minutes (January 17, 2017)



OFFICIALS OF THE
CITY OF
MURRAY
CLAY COUNTY
KENTUCKY

April, 2017

WATER SYSTEM LEGEND	
WATERLINE AND SIZE	7"
FIRE HYDRANT AND NUMBER	210204
WATER VALVE AND NUMBER	12
METER VAULT	60

NATURAL GAS SYSTEM LEGEND

GAS LINE, SIZE, MATERIAL	1" 40# STEEL
GAS VALVE AND NUMBER	40# STEEL

SANITARY SEWER SYSTEM LEGEND	
SEWER LINE, SIZE, MATERIAL	12" PVC
MANHOLE AND NUMBER	12" 100
CLEAN OUT	12" 100
PIPE END	12" 100
PUMP STATION	12" 100
AIR RELEASE VALVE	12" 100
SABN AREA BOUNDARY	12" 100
SABN AREA NUMBER	12" 100

TOPOGRAPHIC CONTOURS	
INDEX CONTOUR	
INTERMEDIATE CONTOUR	
HIDDEN INDEX CONTOUR	
HIDDEN INTERMEDIATE CONTOUR	
DEPRESSION INDEX CONTOUR	
DEPRESSION INTERMEDIATE CONTOUR	
SPOT ELEVATION	1 400
BENCH MARK	

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LEGEND

RIVERS

LAKES

ROADS

BUILDINGS

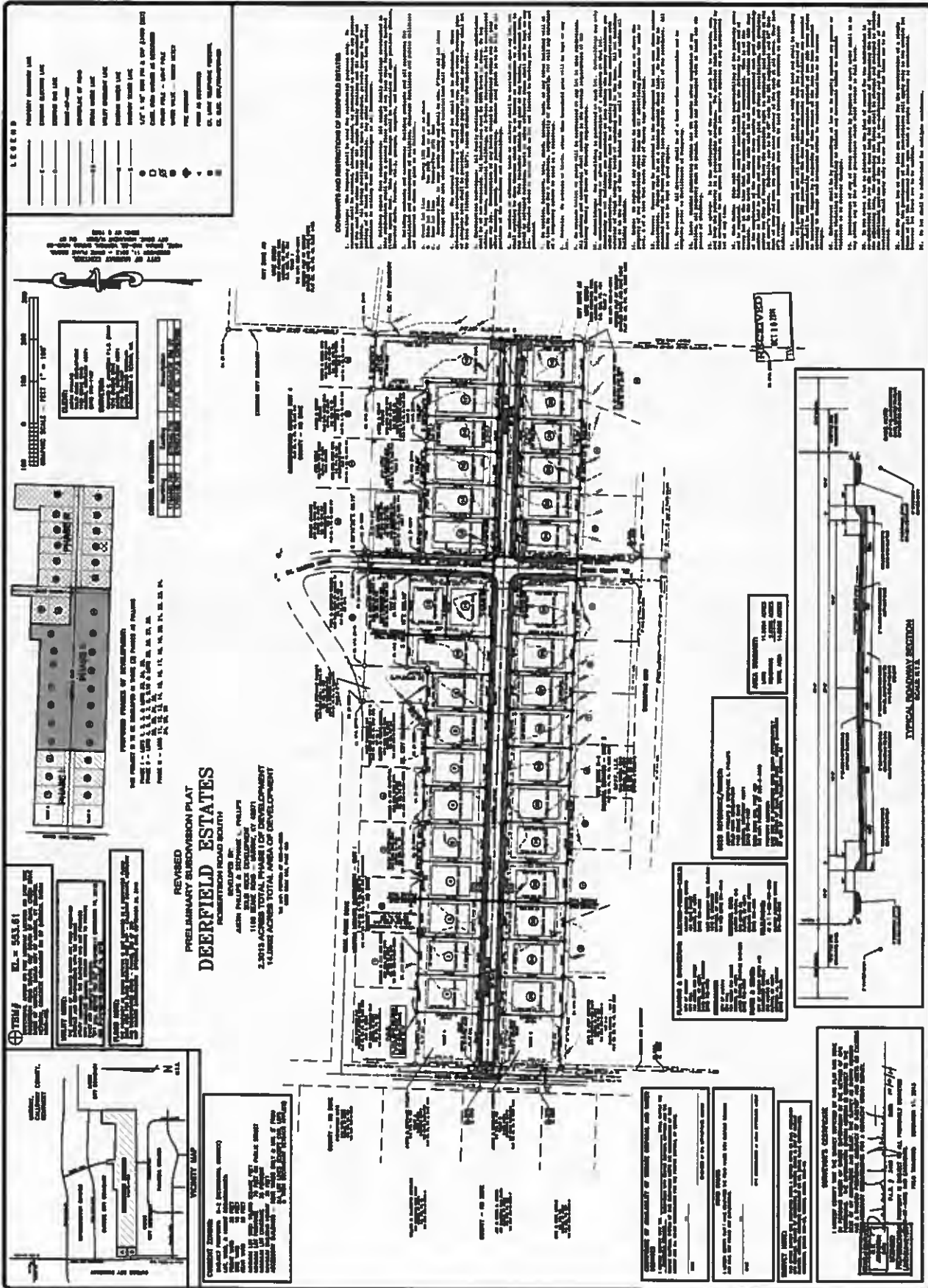
SCALE 1"=300'

Original letter map produced by Philadelphia's residents from photography dated 21 April 1862 and updated their sketch. Photographs dated 12 Feb. 1862. This mapping conforms to former city survey drawings. General labels on 1862 P.A.D. of city layout data had been incorporated from existing documents and built-up areas and had been proposed based on sketch photography for other surveying materials.

This map or mapping system has been prepared for the use of the City of Chicago, CHS. The City of Chicago, its agents and contractors, shall not be held responsible for any errors or omissions that may be made by any other person, organization, or agency.

*Photography by CHS staff survey, 1st
Date February 12, 1862*

Flamingo, Deerfield Run





BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

November 21, 2016

Mr. David Roberts
City of Murray
104 N. 5th Street
Murray, Kentucky 42071

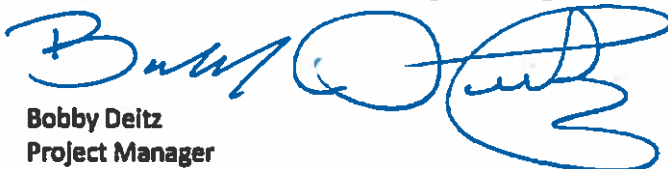
RE: Deerfield Estates Subdivision
Phase I - Roadway
Murray, Kentucky 42071
BFW Project No. 13455

Dear Mr. Roberts:

This letter is to certify that the Roadway and Storm Sewer System for Phase I has been constructed and installed in general conformance with the approved plans and is functioning as designed.

Please contact me if you have any questions.

Sincerely,
Bacon Farmer Workman Engineering & Testing, Inc.



Bobby Deitz
Project Manager

Cc: Ronald S. Bacon, P.E.
Justin Phillips

500 South 17th Street
P.O. Box 120
Paducah, KY 42002-0120
phone: (270) 443-1995
fax: (270) 443-1904

1215 Oluguid Drive
Murray, KY 42071
phone: (270) 753-7307
fax: (270) 759-4950

966 Double Bridge Road
Lewisburg, TN 37091
phone: (931) 359-4882

907 Arrow Road, Ste. 2
Champaign, IL 61821
Phone: (217) 530-4283

403 North Court Street
Marion, IL 62959
phone: (618) 993-6700
phone: (618) 997-9190
fax: (618) 993-6717

**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: Dannela 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 Sargent 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.

Murray Planning Commission Regular Meeting
Tuesday, January 17, 2017

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



City Council Staff Report

DATE: April 13, 2017

TO: Honorable Mayor and City Councilmembers

FROM: Planning and Engineering Department

SUBJECT: RECOMMENDATION FROM THE PLANNING COMMISSION ACCEPTING THE DEDICATION AND MAINTENANCE BY THE CITY OF MURRAY THE STREET IDENTIFIED AS OCTANE DRIVE. - APPLICANT: CHUCK BAKER

SYNOPSIS

Planning Commission recommends that the City Council accept the dedication, improvements and maintenance of Octane Drive into the city's public street system.

BACKGROUND

Octane Drive is part of the Kennedy Layne Subdivision. The map has been recorded and the site has been graded. Octane Drive runs east west between US 641 and 4th Street, near the intersection Utterback Road, and consists of a fifty (50) foot right of way and is approximately 450 feet in length. The improvements are completed and consist of curb, gutter and two 14-foot drive lanes with an overall roadway section of 32 feet. In addition to the right-of-way improvements, site water quality and drainage improvements have also been constructed.

PLANNING COMMISSION ACTION

The Planning Commission met in regular session on Tuesday, March 21, 2017. After holding a public hearing, the Commission voted 9-0 to recommend the acceptance of the dedication and improvements of Octane Drive into the City's public street system.

ANALYSIS

City code requires that prior to accepting a street dedication and releasing the associated security bond, two main conditions must be met prior to the Planning Commission taking

action. First is written verification from a registered engineer or land surveyor certifying that the street has been constructed in conformance to the approved street plan and profile requirements outlined in § 155.47 Final Plat Required (B). And secondly, that the Final Plat has been approved and the street was inspected by the City to determine if the street has been constructed to City requirements.

The project engineer, BFW Engineering and Testing, has submitted the required verification letter and is an attachment. In addition, the street improvements have been inspected and are in conformance to the approved plans as well as all other City requirements. Based on these facts, the Commission recommended to City Council the acceptance and dedication of Octane Drive. This recommendation is based on the following facts:

1. The testimony presented in this public hearing has shown that written certification from a registered professional engineer/land surveyor that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings as required under § 155.47 Final Plat Required (B) has been received and accepted; and .
2. The City has determined that all improvements have been properly installed, that the final plat has been approved, and that all applicable requirements of the subdivision regulations and zoning code have been met.

RECOMMENDATION:

Staff recommends that the City Council accept the Planning Commission's recommendation to accept the Octane Drive dedication, improvements and maintenance into the citywide street system.

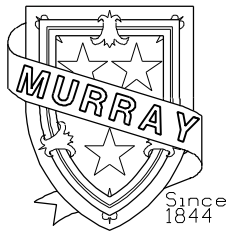
A reduced copy of the plat, legal description, Engineer's certification letter and a copy of the Planning Commission minutes are attached.

Prepared By:
Gerald Gilbert
Planning Manager

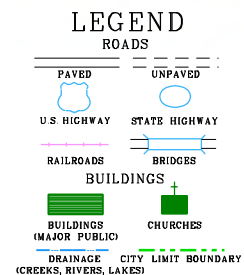
Submitted By:
David Roberts
Director Planning and Engineering

Attachments:

1. Aerial Photo
2. Plat
3. Engineer's Certification Letter
4. Draft Planning Commission Minutes (March 21, 2017)



DEPARTMENT OF
PLANNING & ENGINEERING
CITY OF
MURRAY
CALLOWAY COUNTY
KENTUCKY
MARCH, 2017



SCALE: 1" = 100'



Original base map produced by photogrammetric methods from photography dated 01 April, 1998 and updated from digital photography dated 12 February, 2002. This mapping conforms to National Map Accuracy Standards. Control based on NAD 83. All utility system data has been transferred from existing source documents and field notes and has not been precision located using photogrammetry or other surveying methods.

MAPPING BY CITY OF MURRAY

This map or mapping system has been prepared for the use of the City of Murray, KY. The City of Murray, its agents or assignees make no representations as to its accuracy. It should not be relied upon in any other action, governmental or civil.

Photography by GMR, Aerial Surveys, Inc.
Dated February 10, 2004

FILENAME: Aerial101102Octane



BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

December 14, 2016

Mr. David Roberts
City of Murray
104 N. 5th Street
Murray, Kentucky 42071

COPY

RE: Chuck Baker Development
U.S. Highway 641 N (Octane Drive)
Murray, Kentucky 42071
BFW Project No. 15442

Dear Mr. Roberts,

This letter is to certify that the roadway and associated storm sewer has been constructed in general conformance with the approved plans with the following exception. The curb inlets on each side of the roadway at Sta. 15+50 were installed 17' left and right of roadway centerline rather than 15.5' per plan. As discussed and agreed upon between ourselves, the roadway width was transitioned beginning at the P.T. points at Sta. 4+43.64 to the installed curb inlets at Sta. 15+50.

Please contact me if you have any questions.

Sincerely,
Bacon Farmer Workman Engineering & Testing, Inc.



Bobby Deitz
Project Manager

Cc: Ronald S. Bacon, P.E.
John B. Hale

COPY

500 South 17th Street
P.O. Box 120
Paducah, KY 42002-0120
phone: (270) 443-1995
fax: (270) 443-1904

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

907 Arrow Road, Ste. 2
Champaign, IL 61821
Phone: (217) 530-4283

403 North Court Street
Marion, IL 62959
phone: (618) 993-6700
phone: (618) 997-9190
fax: (618) 993-6717



City Council Staff Report

DATE: April 13, 2017

TO: Honorable Mayor and City Councilmembers

FROM: Planning and Engineering Department

SUBJECT: **RECOMMENDATION FROM THE PLANNING COMMISSION TO ZONE 0.387 PARCEL ACRE SITE LOCATED AT 255 KING RICHARD ROAD AND 0.098 ACRE PORTION OF RIGHT-OF-WAY ALONG KING RICHARD ROAD TO R-2 (RESIDENTIAL SINGLE FAMILY) - APPLICANT: ROGER HANEY.**

SYNOPSIS

Planning Commission recommends that the City Council approve the zone amendment request to R-2 (Single Family Residential) for a 0.387 parcel acre site located at 255 King Richard Road and 0.098 acre portion of right-of-way along King Richard Road to R-2 (Residential Single Family). The R-2 zone is considered the appropriate zoning for site's underlying Comprehensive Plan land use designation of Low Density Residential.

BACKGROUND

Roger Haney, the owner of the 0.387 parcel acre site located at 255 King Richard Road petitioned the City to be annexed into the City limits in exchange for city services. There is an existing single family residence on the parcel.

The annexation request was approved by the City Council on March 9, 2017. A zone amendment to set the site's zoning is required due to the Council's action approving the annexation of the subject site into the City limits.

PLANNING COMMISSION ACTION

The Planning Commission met in regular session on Tuesday, March 21, 2017. After holding a public hearing, the Commission voted 9-0 to recommend approval of the zone amendment request to R-2 (Single Family Residential).

ANALYSIS

City code requires that prior to amending the City's jurisdictional zoning map the Council must find that the amendment request is in agreement with the underlying comprehensive plan. When this finding cannot be made one of two additional findings would apply which are listed in § 156.063 FINDINGS NECESSARY FOR MAP AMENDMENT:

The subject site is identified as Low Density Residential Use on the Comprehensive Land Use Plan Map and is within the Urban Services Area. Adjacent properties are zoned R-2 (Single Family Residential District) and the existing home is a permitted use in the R-2 zone. The R-2 zone is considered an appropriate zone for the Low Density Residential land use designation. Based on these facts, the Commission recommended approving the zone amendment request to R-2 (Residential Single Family). Specifically, this recommendation is based on the following facts:

1. The testimony presented in the public hearing has shown that the amendment request to the jurisdictional zoning map is in agreement with the underlying comprehensive plan. The subject site is identified as Low Density Residential Use on the Comprehensive Plan Land Use Map and is within the Urban Services Area. The R-2 zone is considered an appropriate zone for the Low Density Residential land use designation. The existing residence is a permitted use in the R-2 zone.

RECOMMENDATION:

Staff recommends that the City Council accept the Planning Commission's recommendation approving the zone amendment request for the 0.387 parcel acre site located at 255 King Richard Road and 0.098 acre portion of right-of-way along King Richard Road to R-2 (Residential Single Family).

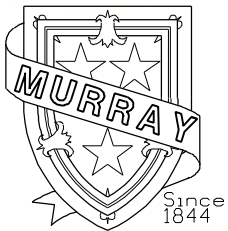
A reduced copy of the plat, legal description, and a copy of the Planning Commission minutes are attached.

Prepared By:
Gerald Gilbert
Planning Manager

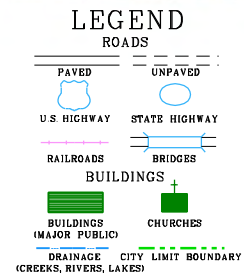
Submitted By:
David Roberts
Director Planning and Engineering

Attachments:

1. Aerial Photo
2. Zoning Map
3. Plat
4. Legal Description
5. Draft Planning Commission Minutes (March 21, 2017)



DEPARTMENT OF
PLANNING & ENGINEERING
CITY OF
MURRAY
CALLOWAY COUNTY
KENTUCKY
MARCH, 2017



SCALE: 1" = 100'

Original base map produced by photogrammetric methods from photography dated 01 April, 1998 and updated from digital orthophotography dated 12 February, 2010. This mapping conforms to National Map Accuracy Standards, Control based on 1983 NAD83. No utility system data has been transferred from existing source documents and field notes and has not been precision located using photogrammetry or other surveying methods.

MAPPING BY CITY OF MURRAY

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Photography by GMR, Aerial Surveys, Inc.
Dated February 02, 2010

FILENAME: Aerial255KingRichard

ZONING MAP

MURRAY CORPORATE

163 RICHARD DRIVE

225

255

SUBJECT PROPERTY

ALAN-A-DALE DRIVE

R-2

252

220

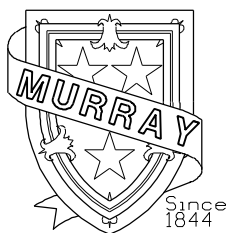
ROBINHOOD

259

217

250

AG



DEPARTMENT OF
PLANNING & ENGINEERING
CITY OF
MURRAY
CALLOWAY COUNTY
KENTUCKY
MARCH, 2017

ZONING CLASSIFICATIONS	
AG	AGRICULTURAL DISTRICT
B-1	NEIGHBORHOOD BUSINESS DISTRICT
B-2	HIGHWAY BUSINESS DISTRICT
B-3	CENTRAL BUSINESS DISTRICT
B-4	MEDIUM DENSITY BUSINESS DISTRICT
F	FLOODWAY DISTRICT
G	GOVERNMENT DISTRICT
I	INDUSTRIAL DISTRICT
P.O.	PROFESSIONAL OFFICE DISTRICT
R-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-2	SINGLE FAMILY RESIDENTIAL DISTRICT
R-3	MULTI-FAMILY RESIDENTIAL DISTRICT
R-3A	MULTI-FAMILY RESIDENTIAL DISTRICT
R-4	MULTI-FAMILY RESIDENTIAL DISTRICT
R-5	MULTI-FAMILY RESIDENTIAL DISTRICT

LEGEND

ROADS

PAVED UNPAVED

U.S. HIGHWAY STATE HIGHWAY

RAILROADS BRIDGES

BUILDINGS

BUILDINGS (MAJOR PUBLIC) CHURCHES

DRAINAGE (CREEKS, RIVERS, LAKES) CITY LIMIT BOUNDARY

SCALE: 1" = 100'

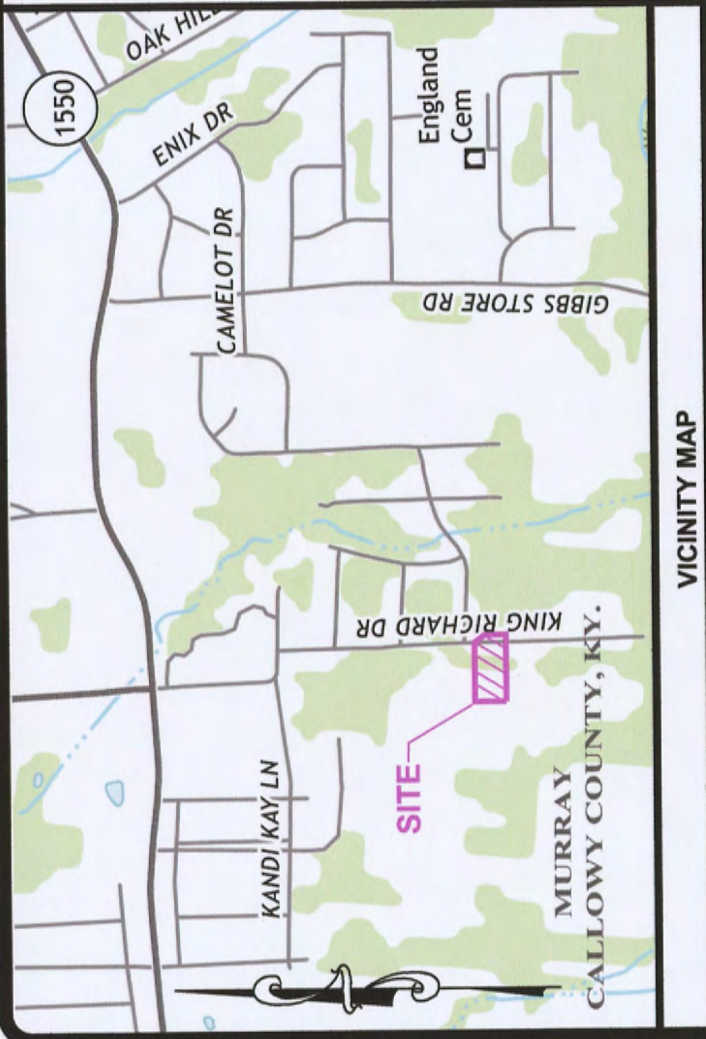
Original base map produced by photogrammetric methods from photography dated 01 April, 1998 and updated from digital orthophotography dated 12 February, 2010. This mapping conforms to National Map Accuracy Standards, Control based on 1983 NAD. All utility system data has been transferred from existing source documents and field notes and has not been precision located using photogrammetry or other surveying methods.

MAPPING BY CITY OF MURRAY

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Photography by DMR Aerial Surveys, Inc.
Dated February 02, 2010

FILENAME: Aerial255KingRichard



CLIENT:
ROGER D. HANEY
189 COUNTRY CLUB RD
MURRAY, KY. 42071
(270)753-1645

SURVEYOR:
RICHARD K. JOHNSTON PLS 3499
1215 DILIGUD DRIVE
MURRAY, KENTUCKY 42071
(270)753-7307
BFW ENGINEERING & TESTING, INC.

DEED REFERENCE-OWNER:
ROGER D. HANEY
189 COUNTRY CLUB RD
MURRAY, KY. 42071
PROPERTY ADDRESS:
255 KING RICHARD DRIVE
MURRAY, KY. 42071
DEED REFERENCE: BOOK 260, PAGE 84
LOT 2 OF SHERWOOD FOREST SUBDIVISION
UNIT 3 - BLOCK "J"
PLAT BOOK 3, PAGE 33, SLIDE 133
TAX MAP - PARCEL: 043-C-0010-00002

AREA SUMMARY:
LOT 2 = 0.387 ACRES
KING RICHARD DRIVE = 0.098 ACRE
TOTAL AREA SURVEYED = 0.485 ACRES (21,124.7 SQ. FT.)

FLOOD NOTE:
THE PROPERTY AS SURVEYED HEREON IS LOCATED IN UNSHADED ZONE "X"
AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
PER F.E.M.A. FIRM MAP #21035C0205G PANEL 205 OF 305 OF CALLOWAY
COUNTY, KENTUCKY AND INCORPORATED AREAS.

SURVEY NOTE:
THIS ENTIRE SURVEY WAS COMPLETED USING A SPECTRA SP80 DUAL
FREQUENCY GPS RECEIVER. A STATIC OBSERVATION WITH AN OPUS SOLUTION WAS
MADE FOR HORIZONTAL AND VERTICAL CONTROL. FOLLOWED UP BY AN RTK
SURVEY OF THE SITE - HORIZONTAL DATUM IS KENTUCKY SOUTH STATE PLANE
ALL BEARINGS AND COORDINATES SHOWN ARE KENTUCKY SOUTH STATE PLANE.
ALL DISTANCES SHOWN ARE HORIZONTAL SURFACE DISTANCE IN U.S. SURVEY FEET.

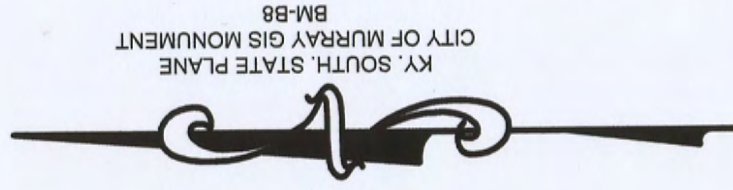
LEGEND

PROPERTY BOUNDARY LINE
RIGHT-OF-WAY
CENTERLINE OF ROAD
EASEMENT LINE
STOVE LEG (FOUND)
ANGLE POINT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE
BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF GPS
POSITIONING. THE INFORMATION SHOWN HEREON IS THE MOST ACCURATE
OBTAINABLE AT THE TIME OF THE SURVEY AS SHOWN HEREON MEETS OR EXCEEDS THE ACCURACY
REQUIREMENTS OF THE STATE OF KENTUCKY FOR A RURAL SURVEY.

DATE: 02/27/2017
LICENSE # 3499
DATE: 02/27/2017
THIS PROPERTY IS SUBJECT TO ALL PREVIOUSLY CONVEYED
RIGHT-OF-WAYS AND EASEMENTS.
FIELD TRAVERSE: NOVEMBER 29, 2016



KY. SOUTH STATE PLANE
CITY OF MURRAY GIS MONUMENT
BM-B8

P.O.B.
EX. "STOVE" LEG

PROPOSED NEW CITY BOUNDARY
104.80' ±
M. 1.03.00.00 N
EXISTING 6FT UTILITY EASEMENT

ING KAI YONG AND WIFE SIEW YANG WONG
BK 977, PG. 487
TAX MAP - PARCEL 033-0-0029D
20 SCARLETT DRIVE,
MURRAY, KY. 42071

TRACT 2 OF A MINOR SUBDIVISION PLAT
OF THE STEPHEN AND PAMELA TREASE
PROPERTY AND A PORTION OF THE
MARCIE TREASE FARM
PLAT BOOK 47, PAGE 58, SLIDE 4574

DWAIN MCINTOSH
BK 157, PG. 2775
TAX MAP - PARCEL 043-C-0010-00002
PROPERTY ADDRESS: 225 KING RICHARD DR.
MURRAY, KY. 42071
MAILING ADDRESS: 225 KING RICHARD DR.
MURRAY, KY. 42071

SHERWOOD FOREST SUBDIVISION
UNIT 3 - BLOCK "J"
PLAT BOOK 3, PAGE 33, SLIDE 133
ZONE R-2

EXISTING CITY BOUNDARY
N 89°26'13"E 159.88'

ANNEXATION AREA
0.485 ACRES
(21,124.7 SQ. FT.)

ROGER D. HANEY
BK 260, PG. 84
TAX MAP - PARCEL 043-C-0010-00002
PROPERTY ADDRESS: 255 KING RICHARD DR.
MURRAY, KY. 42071
MAILING ADDRESS: 189 COUNTRY CLUB RD.
MURRAY, KY. 42071

SHERWOOD FOREST SUBDIVISION
UNIT 3 - BLOCK "J"
PLAT BOOK 3, PAGE 33, SLIDE 133

PROPOSED NEW CITY BOUNDARY
S 89°48'12"W 209.97'

JOE ARNOLD AND WIFE LUCILLE ARNOLD
BK 153, PG. 2232
TAX MAP - PARCEL 043-C-0010-00001
MAILING ADDRESS: 200 OAK VALLEY LANE.
MURRAY, KY. 42071

SHERWOOD FOREST SUBDIVISION
UNIT 3 - BLOCK "J"
PLAT BOOK 3, PAGE 33, SLIDE 133

ZONE R-2

ROBINHOOD DRIVE

EXISTING CITY BOUNDARY
S 51°10'46"E

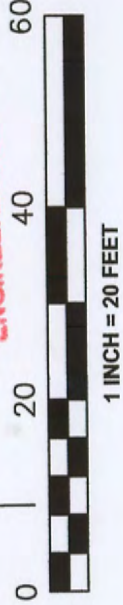
POINT THAT BEARS N 51°10'46"W 0.141 FT.
FROM EX. "STOVE" LEG

50' R.O.W. - SEE PLAT BK. 3, PG. 33, SLIDE 133
KING RICHARDS DRIVE
EXISTING CITY BOUNDARY
E. 69°19'11.00 S 64.86'

HEATH WEBER AND WIFE TERRA WEBER
BK 750, PG. 741
TAX MAP - PARCEL 043-C-0005-00001
MAILING ADDRESS: 259 ROBINHOOD DR.
MURRAY, KY. 42071

SHERWOOD FOREST SUBDIVISION
UNIT 2 - BLOCK "E"
PLAT BOOK 3, PAGE 33, SLIDE 133
ZONE R-2

RECEIVED BY
FEB 28 2017
MURRAY PLANNING &
ENGINEERING DEPT.



SHEET

SV1

ZONING PLAT

ROGER D. HANEY PROPERTY
255 KING RICHARD DRIVE
MURRAY, CALLOWAY CO. KENTUCKY
FOR: RICHARD D. HANEY

BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.



600 SOUTH 17th STREET
PAUCOH, KY 42003
PHONE - 270.443.1995
1215 DILIGUD DRIVE
MURRAY, KY 42071
PHONE - 270.753.7307

www.bfwengineering.com

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PROJECT NO.: 16466
DATE: 02/27/2017
CHECKED BY: RJ
DRAWN BY: CC
REVISION DATES:
NOTES:



BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

PROPOSED ZONING 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.

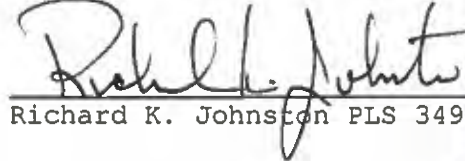
THENCE S 51°10'46" E for a distance of 65.06 feet crossing King Richard Drive and with the existing city boundary to a point in the east right-of-way of King Richard Drive, said point bears N 51°10'46" W 0.141 feet from a stove leg (found)

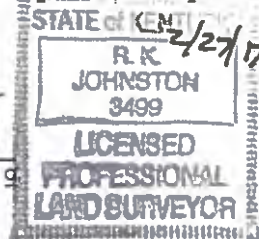
THENCE S 00°16'59" E for a distance of 64.86 feet with the east right-of-way of King Richard Drive and along the existing city boundary to a point,

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 PLS 3499



DATE: February 27, 2017

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

RECEIVED BY

FEB 28 2017

MURRAY PLANNING &
ENGINEERING DEPT.

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

The Murray Planning Commission met in regular session on Tuesday, March 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, John Krieb, Loretta Jobs, Jordan Smith and Jim Foster

Commissioners Absent: None

Also Present: Gerald Gilbert, Maurice Thomas, David Roberts, Attorney David Perlow, Linda Demrow, Mason Cook, Austin Cohoon, Regina Manis 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 February 21, 2017 regular meeting.

Marc Peebles made a motion to approve the minutes from the February 21, 2017 Planning Commission regular meeting as presented. Ed Pavlick seconded the motion and the motion carried unanimously.

Street Acceptance: Recommendation to accept Octane Drive for maintenance by City of Murray: Gerald Gilbert (Planning Manager) introduced himself and then gave a brief review of this item. Octane Drive runs east and west between US 641 and 4th Street near the intersection at Utterback Road and is part of the Kennedy Layne Subdivision. The subdivision's Preliminary Plat was approved by the Commission on June 21, 2016 and the Final Plat was approved on August 16, 2016. The map has been recorded and the site has been graded. The street has been completed. It consists of a fifty foot right-of-way and is approximately 449 feet in length. The improvements consist of curb, gutter and two 14-foot drive lanes with an overall roadway section of 32 feet. City code requires that prior to accepting a street dedication and releasing the associated security bond, two main conditions must be met. First is written verification from a registered engineer or land surveyor certifying that the street has been constructed in conformance to the approved street plan and profile requirements outlined in § 155.47 Final Plat Required (B). Secondly, the City would need to inspect the roadway improvements to determine if the street has been constructed to City requirements. BFW Engineering and Testing has submitted the required verification letter that the street improvements have been inspected and are in conformance to the approved plans as well as all other City requirements. Therefore, the Planning Staff believes that the Commission can recommend the acceptance and dedication of Octane Drive to the City Council.

Jordan Smith made a motion to recommend approval to the City Council to accept the dedication and improvements of Octane Drive into the City's public street system based on the following facts and findings:

- **The testimony presented in this public hearing has shown written certification from a registered professional engineer/land surveyor that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings as required under § 155.47 Final Plat Required (B) have been received and accepted; and**
- **The City has determined that all improvements have been properly installed; the final plat has been approved; and all applicable requirements of the subdivision regulations and zoning code have been met.**

John Krieb seconded the motion and the motion carried with a 9-0 roll call vote.

Public Hearing: Set zoning to R-2 for 255 King Richard Drive – Roger Haney: Mr. Gilbert gave a brief background of the property. The Planning Commission forwarded a request to the City Council to annex this property into the city limits primarily due to the request for city services. The annexation request was approved by the City Council on March 9, 2017. To amend the jurisdictional zoning map the Commission must find that the amendment request is in agreement with the underlying Comprehensive Plan. Adjacent properties are zoned R-2 (Single Family Residential District) and the existing home is a permitted use in the R-2 zone. The R-2 zone is considered an appropriate zone for the Low Density Residential land use designation. Based on the facts that the subject site is identified as Low Density Residential Use on the Comprehensive Land Use Map and is within the Urban Services Area, Planning staff believes that consistency findings can be made for the proposed rezone.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposal. There was no one that spoke either in favor or opposition; thus, the public hearing was closed and the item turned over to the Commissioners for discussion and a motion.

John Krieb made a motion to recommend approval to the City Council the zone amendment request to R-2 (Single Family Residential) for the 0.485 acre tract of land located at 255 King Richard Drive based on the following findings of fact: the testimony presented in this public hearing has shown that the amendment request to the jurisdictional zoning map is in agreement with the underlying Comprehensive Plan; the subject site is identified as Low Density Residential Use on the Comprehensive Plan Land Use Map and is within the Urban Services Area; the R-2 zone is considered an appropriate zone for the Low Density Residential land use designation and the existing residence is a permitted use in the R-2 zone. Jordan Smith seconded the motion and the motion carried with a 9-0 roll call vote.

Public Hearing: Set zoning to R-4 for 20 acres of land located on Brinn Road (North 16th Street) for City West, LLC – Matt Jennings: Mr. Gilbert explained that the applicant has requested the subject property which fronts Brinn Road to be zoned R-4 (Multi-Family Residential). This request is necessary due to the Commission's action and City Council's approval (March 9, 2017) to annex this property into the City limits. Mr. Gilbert described the current zoning of the adjacent properties. The proposed R-4 (Multi-Family Residential) zone allows single family and multiple family residents up to four-units and is not considered a

consistent zone with the underlying Low Density Residential land use designation. To approve the zoning amendment request the Commission must find that the request is in agreement with the underlying Comprehensive Plan (listed in §156.063). During its deliberations the Commission would need to make one of the two following findings in order to approve the R-4 zone amendment request.

- The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.
- 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. Gilbert then explained the difference in R-2 and R-4 zoning to the Commissioners. The R-4 zone will allow (with a Conditional Use Permit) a variety of land uses including: fraternity and sorority houses, convalescent, nursing, rest and retirement homes, day care and nursing schools, commercial offices and personal service uses (such as barber and beauty shops). The zone also allows the use of the PDP (Planned Development Project). Basically R-4 is a pretty wide open zone and much more intense than what the Comprehensive Plan calls for. The subject site is identified as Low Density Residential Use on the Comprehensive Plan Land Use Map and is within the Urban Services Area. If the Commission chooses to approve the R-4 zoning as requested, the Comprehensive Plan would need to be amended as well. This action would need to be included as part of the Commissioner's decision.

The question was asked if there had been a traffic study conducted of the area. Mr. Gilbert replied that in his experience, area wide analysis is done of segments and intersections. Even though a traffic study is a fairly common feature that is done, the City has the ability to ask for one, but they do not require one. However, if they felt like there was an overall intensity with this development, they would ask for one.

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

David Roberts made a note for the record that City West was notified of the meeting and that there was not a representative present to speak in favor of this request. The following people came forward in opposition and were sworn in individually:

Linda Demrow and her husband have resided on Brinn Road (adjacent to the subject property) for approximately 20 years. She stated between 7 and 8 am and 3 and 4 pm traffic is so excessive on North 16th Street/Brinn Road from existing apartments and school traffic to the point that she can't even get out of her driveway. She was under the assumption that R-2 zoning protected their large investment in a home; however, with the recent R-4 crowding within close proximity, she feels threatened that her property values could go down. Ms. Demrow explained that she had taken pictures of the R-2 areas in her neighborhood as well as some of the newly constructed R-4 buildings. (*These pictures were entered as Exhibit A.*) Ms. Demrow is very concerned about what these apartments will look like in 20 years. The front yards for these multi-housing units are a concrete parking lot. There is practically no green space. She

Murray Planning Commission Regular Meeting
Tuesday, March 21, 2017

anticipates that noise will be an issue with that many additional vehicles and people if this proposal is approved for multi-family. She continued that her neighborhood is the most harmonious place that she has ever lived and she does not want that atmosphere to change. Ms. Demrow also presented a petition with 29 neighboring signatures that object to this rezoning. She added that there was only one home that she went to that did not want to sign the petition. Their reason for not signing was because they rent the property from Matt Jennings. (*The petition was entered as Exhibit B.*)

Mason Cook has lived at his residence for 17 years. The Cooks bought this particular property because it was zoned residential. It's a quiet neighborhood and convenient in closeness to Walmart, restaurants and gas stations. Mr. Cook explained that on Friday and Saturday nights there are young people congregated at one of the housing developments south of this property and there is a lot of noise where police are summoned at least 3-4 times each night. He fears the same problem in his neighborhood will occur if the subject property is rezoned. Mr. Cook concluded that if this property is rezoned to R-4, they will be forced to sell their property and relocate somewhere else.

Austin Cohoon is originally from Murray. He and his wife have moved to other cities and countries for work. He recently had the opportunity to live anywhere he wanted and still work for the same company. He chose to move back to Murray to start a family. He bought his home on Brinn Road with that in mind; however, he will not continue to live there if an apartment complex is constructed at this site. Matt Jennings lives at the lake next to Mr. Cohoon's parents. Mr. Cohoon doesn't think that Mr. Jennings would want to buy or live in his home if apartment buildings were constructed next to it. North 16th/Brinn Road is not that wide and that attributes to lots of accidents on this road. Mr. Cohoon indicated that an additional R-4 complex could have a serious impact on the residents of this neighborhood and he could foresee an increase in accidents on the road.

Regina Manis and her husband currently own approximately 24 acres on the corner of Brinn & Poor Farm Road. (They previously had a total of 50 acres; but sold some of the property for residential family dwellings.) Ms. Manis believes that Brinn Road is not wide enough and constantly sees where vehicles have run off the road. She added that police are frequently running up and down this road at night and she is afraid to think of how bad it will be with another apartment complex added to the area. It is her belief that this proposal would ruin their property value; therefore, she is against it. Ms. Manis did state that if Mr. Jennings should decide to put residential (R-2) single dwelling homes there, she would not be in opposition to that.

The public hearing was closed and the item turned over to the Commissioners for discussion and a motion. The question was asked if this item could be tabled until City West could send a representative to speak in favor of this request. Attorney David Perlow reminded the Commissioners that there had been no one that came forward to speak in favor of the proposal and that City West was made aware of the meeting and didn't send a representative. Mr. Roberts clarified that the first reading of the annexation of this property is on March 24th; thus, the property is actually not in the City limits at this point. It takes two readings for the annexation process to be complete. He added that if the Commissioners should deny this request for R-4 zoning, they could also make another motion with a recommendation for a more appropriate zone.

John Krieb made a motion to recommend denial to the City Council the zone amendment request to R-4 (Multi Family Residential) for the 20.01 acre tract of land located on Brinn Road because the testimony presented in this public hearing has shown that amendment request to the jurisdictional zoning request is not in agreement with the underlying Comprehensive Plan land use designation of Low Density Residential and a variety of other concerns expressed by the citizens of the area. Robin Zhang seconded the motion and the motion carried with a 9-0 roll call vote.

Marc Peebles made a motion to recommend to the City Council that the zoning be set for the 20.01 acre tract of land located on Brinn Road as R-2 (Single Family Residential) based on the fact that this zone will be in agreement with the Comprehensive Plan. John Krieb seconded the motion and the motion carried with a 9-0 roll call vote.

Questions and Comments: Commissioner Pavlick now serves as the County representative for the Planning Commission. He explained that he has asked Judge Elkins to replace him on the Planning Commission. He said that he is currently the oldest member serving on this committee and he feels that he needs to be replaced by some “younger blood”. Commissioner Pavlick expressed that it had been an honor to serve as a Commissioner. He added that he will continue to serve until the Judge makes a recommendation. Chairman Kind thanked Mr. Pavlick for his service.

Commissioner Zhang was concerned with the number of gas stations that are being built. She referenced Casey’s and continued that someday they will close and then there will be a gas tank underground on that property. Mr. Roberts said that we cannot prohibit things that fit the zone. Attorney Perlow explained that there are regulations in place for underground gas tanks.

Ms. Demrow thanked the Commissioners for their decision tonight on the Brinn Road property. Chairman Kind said that the Commissioners only make recommendations and the City Council makes the final decision. Ms. Demrow again voiced her appreciation for the Commissioners efforts. Mr. Roberts explained that the neighbors were welcomed to attend the City Council meeting when this item is added to their agenda. The agenda will be posted on the City website prior to the meeting. It was also explained that if anyone wishes to be speak at the City Council meeting, they have to contact the Mayor’s office the day before the meeting to make that request.

Ed Pavlick made a motion to adjourn. Loretta Jobs seconded the motion. Chairman Kind adjourned the meeting at 5:25 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray

CITY WEST, LLC

1105 State Route 121 N | P.O. Box 1734
Murray, KY 42071

P: (270) 753-9999
F: (270) 753-9816

April 4, 2017

RE: City of Murray, KY
Annexation Request – Brinn Rd Property

Dear Mr. Roberts:

We appreciate the time and effort of the City of Murray, the planning department, planning commission, board of zoning adjustments, and city council regarding the annexation of the 20 Acres located on Brinn Rd. At this time, we do not wish to proceed with annexation of this property as the proposed zoning of R-2 Single Family Residential does not meet our needs or desires for development.

We look forward to working with you again soon on another project. Should you have any questions, please do not hesitate to contact me or any of my staff.

With the Highest Regard,

A handwritten signature in black ink that reads "Matt Jennings". The signature is fluid and cursive, with the first name "Matt" and last name "Jennings" clearly legible.

Matthew Jennings
Owner | Managing Member
City West, LLC