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MINUTES OF THE COMMON COUNCIL

MURRAY, Ky. September 27, 19 79

The Common Council, City of Murray, met in regular session September 27, 1979, 7:30 P.M. City Hall Building, with Mayor Melvin B. Henley presiding.

MEMBERS PRESENT: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

MEMBERS ABSENT: J. D. Outland

Minutes of the September 13, 1979, Council Meeting were read by the City Clerk. Mr. Balentine moved to approve the minutes as read, Mr. Furches seconded the motion, and the vote taken was unanimous in favor of the motion.

ORDINANCE NUMBER 696, AN ORDINANCE CHANGING AND ESTABLISHING NEW WATER RATES AND TAP-ON FEES FOR CUSTOMERS INSIDE AND OUTSIDE THE CITY AND REPEALING ORDINANCES 680 AND 482 was read for the second time. Mrs. Hale moved to adopt Ordinance Number 696 on the second reading, Mr. Furches seconded the motion; and the vote taken is recorded as follows:

YEAS: Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: Steve Yarbrough and Billy Balentine

Mayor Henley declared Ordinance Number 696 duly adopted, and same is recorded in Ordinance Book Number 3, Pages 410-411.

ORDINANCE NUMBER 697, AN ORDINANCE AMENDING SECTION 4 of ORDINANCE NUMBER 371 (SEWER ORDINANCE) AND REPEALING ORDINANCES NUMBER 608 AND 662 was read for the second time. Mr. Furches moved to adopt Ordinance Number 697 on the second reading, Mr. Nix seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: Steve Yarbrough and Billy Balentine

Mayor Henley declared Ordinance Number 697 duly adopted, and same is recorded in Ordinance Book Number 3, Pages 412-413.

RESOLUTION NUMBER 109, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRAY ESTABLISHING THE MURRAY RECREATIONAL, TOURIST AND CONVENTION COMMISSION AND PROVIDING DUTIES AND RESPONSIBILITIES THEREFOR was read, as follows, by the City Attorney:

RESOLUTION NO. 109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRAY ESTABLISHING THE MURRAY RECREATIONAL, TOURIST AND CONVENTION COMMISSION, AND PROVIDING DUTIES AND RESPONSIBILITIES THEREFOR.

THE COMMON COUNCIL OF THE CITY OF MURRAY DOES RESOLVE AS FOLLOWS:

1. ESTABLISHMENT OF MURRAY RECREATIONAL, TOURIST AND CONVENTION COMMISSION, AND PURPOSE. Pursuant to KRS 83.340 (2) the City hereby establishes the Murray Recreational, Tourist, and Convention Commission for the purpose of promoting recreational, convention and tourist activity in the City of Murray.
2. MEMBERSHIP. The Commission shall be composed of seven (7) members to be appointed by the Mayor of the City of Murray in the following manner:
 - a. Two (2) commissioners from a list submitted by the local city hotel and motel association.
 - b. One (1) commissioner from a list submitted by the City.
 - c. One (1) commissioner from a list submitted by the local restaurant association or associations.
 - d. One (1) commissioner from a list submitted by the Murray Chamber of Commerce.
 - e. Two (2) commissioners to be selected at large by the Mayor.
3. VACANCIES. Vacancies shall be filled in the same manner that original appointments are made.
4. TERM OF OFFICE. The commissioners shall be appointed for terms of 3 years, Provided, That in making the initial appointments, the Mayor shall appoint 2 commissioners for a term of 3 years, 2 commissioners for a term of 4 years, and 3 commissioners for a term of 1 year. The Commission shall select from its membership a Chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose outlined above and as set forth in KRS 83.340 to 83.350. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; Provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.
5. ADULT REPORT. The books of the Commission shall be audited by an independent auditor who shall make a report to the Commission, to the organization submitting names from which Commission members are selected, and to the Mayor
6. ANNUAL REQUEST FOR FUNDS. The Commission shall annually submit to the Murray Common Council a request for funds for the operation of the Commission for the ensuing year.
7. TRANSIENT ROOM TAX. The Murray Common Council shall include the Commission in the annual budget and shall provide funds for the operation of the Commission by imposing a transient room tax, not to exceed three percent (3%) of the rent for every occupancy of a suit, room or rooms, charged by all persons, organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses. Provision shall be made for the collection of the tax and the enforcement of the tax measure enacted.

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8. USE OF FUNDS. A portion of the money collected from the imposition of this tax, as determined by the tax levying body, may be used to finance the cost of acquisition, construction, operation and maintenance of facilities useful to the attraction and promotion of tourist and convention business and shall include stadiums. The balance of the money collected from the imposition of this tax shall be used for the general purpose of promoting recreational, convention and tourist activity in Murray. Proceeds of the tax may not be used to provide subsidy in any form to any hotel, motel or restaurant. Money not expended by the Commission during any fiscal year shall be used to make up a part of the Commission's budget for its next fiscal year.

9. INDEBTEDNESS. The Commission, with the approval of the levying body, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient room tax during the year in which the money is borrowed. The Commission may pledge its securities to secure the repayment of any sum so borrowed.

10. FINANCIAL LIMITATIONS. The commission shall not expend, obligate itself to expend, or authorize the expenditures of any amount in excess of its budget as approved and adopted by the Council as part of the official annual budget of the City, without prior approval of the Common Council.

11. ANNUAL REPORT OF ACTIVITIES. The Commission shall prepare and submit to the Council, at the time it makes its request for annual funds, a report on the activities of the Commission for the preceding 12-month period, with particular emphasis on the areas in which funds were expended, the anticipated and actual results of such activities, and recommendations as to particular programs to be pursued in the ensuing year.

12. REGULAR MEETINGS. The Commission shall meet at least once each quarter upon a day, at a time and in a place designated as its regular meeting the Commission.

13. SPECIAL MEETINGS. Special meetings may be called at any time by the Chairman or by any three members of the Commission by a written notice served personally upon each member of the Commission and each of the public local radio and newspaper offices located in the City not less than twenty-four (24) hours before the time specified for the proposed special meeting.

14. MEETINGS TO BE PUBLIC. All meetings of the Commission shall be public with the exceptions set forth in KRS 61.805-61.810.

ADOPTED AND APPROVED ON SEPTEMBER 27, 1979.

COMMON COUNCIL, CITY OF MURRAY, KENTUCKY

by: s/s Melvin B. Henley
Melvin B. Henley, Mayor

ATTEST:

s/s Jo Crass
Jo Crass, City Clerk

Mr. Yarbrough moved to adopt Resolution Number 109, Mr. Balentine seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Billy Balentine, and C. C. Lowry

NAYS: Howard Koenen, Ruby Hale, and Dave Willis

ORDINANCE NUMBER 698, AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A TRANSIENT ROOM TAX TO PROVIDE FUNDS FOR THE OPERATION OF THE MURRAY RECREATIONAL, TOURIST, AND CONVENTION COMMISSION was read for the first time. Mr. Nix moved to adopt Ordinance Number 698 on the first reading, Mr. Furches seconded the motion; and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Billy Balentine, and C. C. Lowry

NAYS: Howard Koenen, Ruby Hale, and Dave Willis

Mayor Henley read a letter from Harold Osborn submitting his resignation effective October 1, 1979, as an employee with the Murray Police Department. Mr. Balentine moved to accept the resignation with regrets; Mr. Yarbrough seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: None

Discussion was held on the following options available for the ambulance service for 1980:

AVAILABLE OPTIONS FOR AMBULANCE SERVICE

City Options

1. Subsidize a third-party carrier in conjunction with County government.
 - A. Hospital - total subsidy cost of approximately \$120,000
 - B. Private (i.e., Angels of Mercy) - total subsidy cost of approximately \$120,000
 - C. County Rescue Squad - Subsidy cost could be less than \$120,000 if volunteer help is utilized. Service in that event would be less than presently available.

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2. Operate a county-wide ambulance service
 - A. Projected first year-year net outlay - \$123,000
 - B. Projected subsequent-year net outlay - \$90,000
3. Operate a city-wide ambulance service with county government working out additional service in whatever manner they might choose (i.e., County rescue Squad).
 - A. Projected first-year net outlay - \$40,000
 - B. Projected subsequent-year net outlay - \$14,500

County Options

1. Subsidize a third-party carrier in conjunction with County government.
2. Contract with MFD to operate a county-wide ambulance service.
 - A. Projected first-year net outlay - \$123,000
 - B. Projected subsequent-year net outlay - \$90,000.
3. Operate a county-outside-city operation, presumably through the County Rescue Squad.

Dr. Lowry moved that the Common Council go on record as the City of Murray being responsible for \$30,000 in subsidy for 1980 ambulance service administered out of Murray-Calloway County Hospital with the Hospital Board and Calloway County Fiscal Court apprised of this decision and that an answer be received by the October 25, 1980, Council Meeting from the Hospital Board and Fiscal Court on their decision on ambulance service for 1980. Mr. Koenen seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: Dick George

Discussion was held on the Findings of Facts, Conclusions of Law and Order, from the Kentucky Commission on Human Rights relating to the sex discrimination suit between Rosemary Lamb and the City of Murray. City Attorney Phillips, in a letter to the Council, reviewed the decision of the Commission which was in favor of the Complainant, and recommended to the Council that the City of Murray appeal* and the findings cited, Mr. Jones moved that the City of Murray not file an appeal; Mrs. Hale seconded the motion, and the vote taken is recorded as follows: *the decision to the Circuit Court. After due discussion on the cost of an appeal

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: None

RESOLUTION 108, A RESOLUTION AUTHORIZING AUTHENTICATION OF SIGNATURES FOR PURPOSES OF COMMUNITY DEVELOPMENT BLOCK GRANT AND DESIGNATING DEPOSITORY BANK was read, as follows, by the City Attorney:

RESOLUTION NO. 108

A RESOLUTION AUTHORIZING AUTHENTICATION OF SIGNATURES FOR PURPOSES OF COMMUNITY DEVELOPMENT BLOCK GRANT AND DESIGNATING DEPOSITORY BANK

WHEREAS, The City of Murray is undertaking a Community Development Program under the Housing and Community Development Act of 1974; and

WHEREAS, the Federal Department of Housing and Urban Development requires that a depository and authorization of signatures be obtained by the community prior to release of federal HUD money.

NOW, THEREFORE, be it resolved by City of Murray, Kentucky, that Jo Crass, Clerk, is hereby authorized to authenticate the signatures of Melvin B. Henley, Mayor, Dr. C. C. Lowry, Councilman, and Steve Zea, C.D. Director, and their duly qualified successors on future documentation relating to requests for payment on Letter of Credit and on reports concerning status of funds under the CDBG program pursuant to Title I of the Housing and Community Development Act of 1974; and it is further resolved that a duly certified copy of this Resolution with specimen signatures of the above named shall be forwarded to the United States Department of Housing and Urban Development, Louisville, Kentucky.

SECONDLY, be it resolved that Bank of Murray be designated as depository for the CDBG program.

s/s Melvin B. Henley
Chief Executive Officer

Introduced & Adopted 9/27/79

Signed by Exec. Officer 10/3/79

Recorded by Clerk 10/4/79

s/s Melvin B. Henley
Melvin B. Henley, Mayor

Authenticator:

s/s C. C. Lowry
Dr. C. C. Lowry Councilman

s/s Jo Crass
Jo Crass, City Clerk

s/s Steve Zea
Steve Zea, C.D. Director

Mr. Willis moved to adopt Resolution Number 108; Mr. Furches seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: None

City Planner Steven Zea presented the following recommendation from the Murray Planning Commission:

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September 21, 1979

Dear Mayor and Common Council:

On September 18, 1979, the Murray Planning Commission voted to recommend acceptance of the streets in Unit I of Canterbury Estates Subdivision. This is the entire portion that is within the City limits.

The Commission voted 4 - 2 to recommend the acceptance of these streets based on the following reasons:

FIRST: That the Subdivision was platted under the 1962 Subdivision Regulations and those regulations did not require a subdivider to hard surface his roads. Further more, these subdivision regulations set no standard on which to build roads or pave roads as does the current regulations. The only requirement was that a subdivider construct a 28-foot roadway of which has been done.

SECOND: The Subdivision was platted and paved in 1968 and 1969 respectively; in 1971, the Subdivision was annexed by the City with current existing conditions.

Therefore, the Commission does recommend that these streets be put on the maintenance list. It was pointed out by the Commission that a recommendation of acceptance of these streets is not an obligation of immediate resurfacing. It was also noted that although this area does need attention, it should be scheduled for repairs as can be afforded.

If you would like additional information on this matter, please contact this office.

Sincerely,

s/s Steve Zea
 Steve Zea
 City Planner

SZ/mms

Mr. Yarbrough moved to accept the streets in Unit I of Centerbury Subdivision as recommended by the Murray Planning Commission; Mr. Jones seconded the Motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: None

Discussion was held on updating city ordinances, and the Council requested more information before a decision was made.

Mayor Henley called attention to one remaining vacancy on the Community Development Board and advised that the selection committee was split and refused to compromise on the final appointment. Mr. Willis asked for and was given permission to abstain from discussing or voting on the issue. Mayor Henley submitted the names of Dr. Marvin Mills and Reverend C. E. Timberlake for council consideration, and Mr. Yarbrough moved that the Council be polled as to their preference; Mr. Balentine seconded the motion, and the vote taken was unanimous in favor of the motion with abstention by Mr. Willis. Of the eleven (11) votes cast, Dr. Mills received One (1) vote and Rev. Timberlake received ten (10) votes. Mr. Balentine moved that Rev. C. E. Timberlake be appointed as a member of the Community Development Board; Mrs. Hale seconded the motion, and the vote taken follows:

YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, C. C. Lowry

NAYS: None

ABSTENTION: Dave Willis

Mr. Balentine presented a proposal for painting the exterior and interior of Fire Station Two and requested that the City advertise for sealed bids. After a discussion on the cost involved which was not in the 1979 budget, Mrs. Hale moved that the City buy the materials and that the firefighters do the labor; Dr. Lowry seconded the motion, and the vote taken is recorded as follows:

YEAS: Steve Yarbrough, Dick George, J. Hardiman Nix, William R. Furches, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: Steve Sammons, Marshall Jones, Howard Koenen, Billy Balentine

Dr. Lowry called attention to a letter from the Murray-Calloway County Park Board expressing appreciation to the Council for their appropriation for salaries for two employees and the request for a meeting with the City Budget Committee sometime in October for a review of the 1980 Park Budget.

Mr. Nix expressed appreciation on behalf of the Methodist Church for the City's financial aid in the repair of the sidewalk and curb in front of their sanctuary.

Mr. Jones reported that the Public Works Committee had approved the following policies for leaf pick-up within the city limits:

1. On an ON-CALL basis, the Street Department would pick up, free of charge, bags of leaves placed curbside.
2. On an ON-CALL basis, the Street Department would pick up leaves with the leaf machine leaves raked curbside at a cost of \$15.00 per trip.

Mr. Jones moved to approve the recommended policies for leaf pick-up; Mrs. Hale seconded the motion and the vote taken is recorded as follows:

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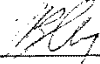
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YEAS: Steve Yarbrough, Steve Sammons, Marshall Jones, Dick George, J. Hardiman Nix, William R. Furches, Howard Koenen, Billy Balentine, Ruby Hale, Dave Willis, and C. C. Lowry

NAYS: None

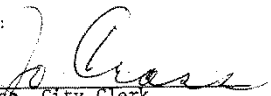
City Planner Steven Zea advised the Council that he had ordered a halt to construction of the Baptist Student Union Building because no plans had been submitted to the City and the State Fire Marshall's office had rejected the plans; and furthermore, no building permit had been obtained from the City.

There being no further business to come before the Council, on a motion by Mr. Nix, second by Mr. Furches, the meeting was adjourned.



Melvin B. Henley, Mayor

ATTEST:



Jo Crass, City Clerk