

## MINUTES OF COUNCIL

August 24, 2017

6:30 P.M.

The Murray City Council met in regular session Thursday, August 24, 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, Jane Shoemaker.

**Council Members Absent:** Pat Scott, Burton Young

**Staff Present:** City Attorney Warren Hopkins, Chief Jeff Liles, Cathy Morris, Tom Kutcher, Jim Osborne, Bennett Moore, Zachary Warren, Kim Wyatt, Matt Turner, Jaimey Erwin

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

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

The amended Minutes of the Council Meeting of July 27, 2017 were presented for approval. **Mr. Bell moved; seconded by Mr. Pittman.** All present voted aye.

The Minutes of the Council Meeting of August 10, 2017 were presented for approval. **Mr. Bell moved; seconded by Mr. Pittman.** All present voted aye.

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

- a) Mayor Rose recognized Cathy Morris who reported to the Council that she and Mayor Rose had just recently returned from the Governor's Local Issues Conference in Louisville. She stated that they received information on a variety of topics including cyber security, solid waste management, 911 system overviews, Kentucky Transportation Grants as well as numerous other topics.
- b) Ms. Morris then discussed the upcoming CERS Separation and Stability Forum which will be held on August 29, 2017 in Paducah, KY. She reported that the focus of the forum would be to discuss the Kentucky Retirement System shortfalls and the varied options being discussed to shore up the system. Mayor Rose stated that it was extremely important that individuals attend this event and he encouraged everyone to do so.

### Public Comment

Mayor Rose stated there were three requests for public comment but one of those was withdrawn. He then recognized Jennifer Lynn. Ms. Lynn began by advising the Council that she had lived in Murray for 26 years. She went on to report to the Council that she had three children, two of which live in Murray who are both opposed to the payroll tax. Ms. Lynn stated that she began to attend Council meetings in November of 2016 because she wanted a voice and wanted to encourage the Council to vote no on the tax proposal. She went on to report that she attended all the Mayor's Committee meetings with the exception of two and agreed with Mr. Hudspeth that the Committee was presented with an exaggerated wish list from each City department. Ms. Lynn then presented a slideshow presentation which cited budgetary examples of how the proposed tax could negatively affect low income families. Ms. Lynn pointed out that individuals renting their home will not get a property tax cut and ultimately they will be paying more. Ms. Lynn went on to state that she works two jobs and does not feel like she is compensated enough. She stated that she wants a raise and so does everyone else, but she did not want the police department's raise to come from her paycheck or from the majority of paychecks in Murray. Ms. Lynn went on to state that she had asked several Council members why we could not double the cost of the city sticker and they told her it would be unfair to some people. Ms. Lynn stated that she did not think it was fair to her that she would be paying \$200 now instead of buying a \$50.00 city sticker. Ms. Lynn closed her presentation by stating that she was on a committee that was attempting to get the issue on the ballot and she encouraged residents of the City of Murray to sign the petition.

Mayor Rose then recognized Orville Herndon. Mr. Herndon began his presentation by stating that he lived and worked in the City of Murray. Mr. Herndon reported that during his time in Murray he has made every election that has occurred and he intends to make the elections next year as well. Mr. Herndon passed out a handout with a variety of concerns he had with the current proposed ordinance. Mr. Herndon stated that he wanted to discuss three points during his presentation. Mr. Herndon stated that he felt that it was unfair to tax him at 1% of his payroll when independent contractors can come into the City of Murray and conduct work and the ordinance does not require any payment from them. Mr. Herndon went on to state that his employer would be taking 1% of his pay but if he performed some computer consulting work in Murray it would probably be lucrative and he would not have to pay 1% of that and it seemed unfair. The second point Mr. Herndon discussed concerned identity theft. Mr. Herndon stated that he had been a victim of identity theft three times and it was not something he would wish on anyone. Mr. Herndon advised that he did not think the proposed ordinance addressed confidentiality in a strong enough fashion and there is no mention of what safeguards will be put in place to protect the tax records. Mr. Herndon went on to state that there is no provision in the ordinance to have safeguards audited for compliance and there is no mention of how quickly the City will notify individuals when a data breach occurs. Mr. Herndon stated that the ordinance provided very lax penalties for employees who divulged information in comparison to the damage that identity theft can cause. Mr. Herndon then showed the Council an sd card which could hold 7500 pages worth of information. Mr. Herndon pointed out that if he had bought an sd card with more memory it could hold more than 100,000 pages of tax returns. Mr. Herndon closed his presentation by discussing his third point which involved property tax reduction. Mr. Herndon stated that when the time came to reduce property taxes he did not feel it would be fair to reduce business property taxes since they were let off the hook when the net profits tax was not included in the ordinance. Mr. Herndon advised the Council that he thought residents should receive the property tax cut but not businesses. Mr. Herndon then concluded his presentation.

Mayor Rose recognized Public Works Committee Chairman Danny Hudspeth, who reported that the Committee had met prior to the Council meeting to review bids on steel pipe for the County Line West Project. Mr. Hudspeth reported that the low bidder was Consolidated Pipe with a bid of \$216, 925.10 and that the Public Works Committee had approved that bid. **Mr. Hudspeth moved; seconded by Mr. Bell.** All present voted Aye.

Mayor Rose recognized Tom Kutcher who gave a presentation on the Waste Water Treatment Plant Project. Mr. Kutcher advised the Council that most of the new plant was now online and all the flow for the City of Murray is now going through the new treatment process. Mr. Kutcher then presented a slideshow presentation highlighting the current items still under construction at the plant. Mr. Kutcher reported that the plant was at 65% completion. Dr. Miller asked Mr. Kutcher if it would be fair to say we are a couple of months behind since the project was initially set to be complete in May or June. Mr. Kutcher confirmed that and stated that the project start date had been delayed and that caused the project to be 3 to 4 months behind schedule. Mr. Kutcher then updated the Council on the Clearwell Project. He advised that all the topsoil had been removed from the clearwell and a crane will be delivered which will demolish the old water plant. Mr. Kutcher stated that the project is at 5% completion and will take roughly 14 months to complete. Mr. Bell advised Mr. Kutcher he would still like the Council to be able to take a tour of the Wastewater plant. Mr. Kutcher said that they still had some temporary walkways in place and they should be replaced by the third week in September which would be a good time to schedule the tours.

**Ordinance Number 2017-1743** (second reading) an ordinance creating a new Chapter 75 regarding the imposition and administration of an occupational license tax requirement of one percent (1%) on gross earnings of an employee working and rendering services to an employer or business entity for compensation within the City of Murray. This ordinance shall be effective January 1, 2018. **Mr. Bohannon moved; seconded by Dr. Miller.**

Mr. Bell asked if he could speak and Mayor Rose recognized him. Mr. Bell stated that he was accused two weeks ago of not having an opinion so he wanted to get this out. He stated that he thought his no vote would have spoken for his opinion but then again he has also been accused of being a hothead. Mr. Bell went on to state that he would try to make this as eloquently as Mr. Hudspeth did two weeks ago. Mr. Bell stated that one of the mistakes he made when the alcohol money came in was that the Council did not do a good enough job of being accountable of where they put that and what they did with that. Mr. Bell went on to state that was one of the things he said he regretted with this and he understands that was a previous administration. Mr. Bell stated that he thinks people in this case are going to demand accountability when it comes to that much money coming in and he thinks they are going to want to see things moving. He also advised the Council that he believes the public is going to want to see Dr. Miller's committee recommendations put into play. Mr. Bell stated that he did like the idea of a committee and he thought the Council should have gone with that on the first go around. Mr. Bell went on to state that he would have liked to see the Committee go one step extra and figure out how we were going to implement this and figure out how we were going to put it together and what type of economic impact that

it was going to have on everybody that this affected. Mr. Bell stated that he thought that would have been due diligence on their part because he is not even sure we know how we are going to implement it. Mr. Bell advised the Council that he thinks they are making this effective too soon. Mr. Bell stated that he gets the unique opportunity of walking in businesses every day and speaking with people. He went on to state that he did not ask them if they lived here or outside. He stated that all those he spoke with were against it with maybe the exception of one or two. Mr. Bell stated that if we have this coming in then we are going to have to be more accountable and he is going to make sure that we are more accountable for this than we have been in the past. Mr. Bell stated that there are sides and there are always going to be sides whether you vote yes or no you're going to be on a side and whether you play a football game or basketball game there is always going to be a winning side and a losing side and he gets that but from here on out we need to make sure we are accountable with this money. Mr. Bell went on to state that if the police department needs raises then we better be seeing that and come budget year, come March and April he thinks the people are going to demand the accountability from this Council. Mr. Bell advised that when the Republican party sent out their request to answer this question back late last year he answered it and sent it back because he was against it and had no problem saying he was against it. Mr. Bell stated that he was told that was not a good idea, but he was also told that probably helped him get more votes and he thinks the people who sent that in are probably realizing it did help them get more votes which should tell you something. Mr. Bell closed by stating that there is something they should remember, and he sometimes thinks employees don't remember that we work for the people and that is who we are elected by and that is who we work for, the people of this city.

Mayor Rose then recognized John Mark Roberts. Mr. Roberts stated that he usually doesn't want to bring personal business in here and keep it to a minimum but ever since this vote has been on the agenda he has personally felt bullied and looked down on by members of the Council because he voted no. He stated that he was proud to vote no. He went on to state that he has considered it and he is voting no because you can't change your mind. Mr. Roberts stated that he had his own mind and he will decide how he will vote. Mayor Rose stated that is the way it should be.

Mayor Rose recognized Mr. Hudspeth. Mr. Hudspeth stated he wasn't going to say anything, he thought he said enough but he had just a few things. Mr. Hudspeth stated that the first night the Council talked about this he thinks he offended a couple of groups and he wanted to apologize to them. Mr. Hudspeth went on to state that these groups were the EDC and the Chamber of Commerce. Mr. Hudspeth stated that he called them big dogs and he probably should have been a little more politically correct and called them the business community. Mr. Hudspeth advised the Council that both groups didn't just speak against the net profits tax; they also spoke out against the payroll tax. Mr. Hudspeth said politically correct sometime passes him by. Mr. Hudspeth went on to state that one of the things that did disappoint him was that the Council did not get a chance to debate or discuss this among themselves. Mr. Hudspeth said he got it, they knew they had six votes and they knew the Mayor was going to break the tie and it was kind of like taking castor oil, you just hold your nose and swallow it and it will go away. Mr. Hudspeth then reiterated that it was kind of disappointing that they could not discuss if 1% was good enough or if they could have done something different. Mr. Hudspeth said he thinks they could have done better, and that this thirteen around this table get one bite at this apple next budget season. Mr. Hudspeth advised the Council that all the suggestions that were made are talking about budget and how they budget that money and this thirteen get one bite at that apple. Mr. Hudspeth went on to state that the next January potentially there could be another group sitting around the table and they will have the opportunity to budget that same money and they will have the opportunity to change the rates and change the amounts if they want to because it will be their due diligence to do that. Mr. Hudspeth said he had already heard one individual say that he was going to run on repeal and replace. Mr. Hudspeth advised the Council that he would hope they don't get to that point because as a City they can't keep bouncing back as to how they do this and it would not be fair to the citizens or the City. Mr. Hudspeth stated that he hoped at some point the Council would recognize that 1% is probably a little too much and overkill. Mr. Hudspeth said that he felt that some of these projects were overstated and they don't have to take them all the way to fruition how they are stated. Mr. Hudspeth went on to state that he thinks the Council will find out that they could have done a little better especially for the people who aren't making much. Mr. Hudspeth advised the Council that those individuals will be impacted. He stated that he can recall going out on a cold morning and turning the key on in the car and it didn't start and if you are low income that is a problem because you can't get to work. Mr. Hudspeth went on to state that nowadays most of the Council could say to their spouse they are taking the other car, but not everyone has that luxury and \$150.00 means a whole lot to a whole lot of people and he was hoping that the six would have at least recognized that and done a little bit to compromise and amend that a little bit to take care of those people that are going to struggle. Mr. Hudspeth stated that's not to say that when the individuals get their check they are going to miss it that day that much but as it accumulates over a year's time it will affect how they pay some bills and what they do with their family and a lot of other things. Mr. Hudspeth closed by saying that it has been great non-debating this with you six.

Mayor Rose then recognized Ms. Cherry. Ms. Cherry stated that she would like to say two things. Ms. Cherry said she does feel like and always felt like the Council rushed into this and she felt rushed and pressured as well. Ms. Cherry went

on to state that Dr. Burton Young is not here tonight because he had to attend a dentist state convention in Indiana and he sends his regrets that he could not vote no on this.

With no further discussion, Mayor Rose called for a roll call vote.

**Ayes:** Mr. Billington, Mr. Bohannon, Mr. Bolin, Dr. Miller, Mr. Pittman, Ms. Shoemaker

**Nays:** Mr. Bell, Ms. Cherry, Mr. Hudspeth, Mr. Roberts

**Ordinance Number 2017-1744** (second reading) an ordinance repealing in its entirety Chapter 71, sections 71.01, 71.02, 71.03, 71.04, 71.05, 71.06, 71.07, 71.08, and 71.99 of the City of Murray Code of Ordinances, titled Licensing which relates to City Stickers. This ordinance shall be effective June 1, 2018. **Mr. Pittman moved; seconded by Ms. Shoemaker.**

Mayor Rose called for a roll call vote.

**Ayes:** Mr. Billington, Mr. Bohannon, Mr. Bolin, Mr. Hudspeth, Dr. Miller, Mr. Pittman, Ms. Shoemaker

**Nays:** Mr. Bell, Ms. Cherry, Mr. Roberts

**Resolution 2017-009** a resolution designating September 2017 as “City Government Month”. **Ms. Shoemaker moved; seconded by Mr. Roberts.**

All present voted Aye.

### **Surplus**

Mayor Rose recognized Matt Turner who spoke about items the City of Murray would like to surplus. Mr. Turner stated that most of the things on the list were leftover sanitation spare parts. Mr. Turner stated that they had a large amount of spare parts for sanitation vehicles that the City no longer owns. Mr. Turner went on to state that the parts could not really be used on any other equipment the City owns. Mr. Turner stated that if the City ever did get back in the sanitation business these items would more than likely be obsolete. Mr. Turner stated that the last page was surplus from the water treatment plant and they were the old tanks that they are taking out and no longer in use. Mayor Rose commented that some of those parts predated the trucks they were using. Mr. Bohannon asked if the parts were used or if they were new parts that were obsolete. Mr. Turner advised that some parts were new and some were used that were still good. Mr. Turner stated that the ones that were returnable have been returned. Mr. Turner stated that the items would be sold on GovDeals and they have had success with that in the past. Mr. Roberts asked if Mr. Turner knew a ball park figure of how much money they would get. Mr. Turner stated that he did not have a clue. Mr. Turner went on to state that it is a live auction and they may not receive much but in the past he has been surprised about how much they did receive. Mr. Pittman then commented that he has experience with backhoes and backhoe seals and they can get pretty expensive. Mr. Pittman went on to ask if the City had contacted anyone else in the area to see if they owned trucks that this equipment might fit that we could sell the parts to at a discount that might be above what they get at auction. Mr. Turner stated that they had not done that. He went on to state that GovDeals covers all the State mandated bases and that is why they chose to go with them to auction the items. Mr. Turner advised the Council that if they did not go that route, the City would have to advertise the items and they could not be offered to just one individual. Mr. Turner stated that he will call the individuals who bought the trucks and let them know the items will be up for auction in case they would like to buy them. **Dr. Miller moved; seconded by Mr. Bell.**

Mayor Rose asked if there was any more discussion. Mr. Hudspeth stated that he was just glad they got some discussion on such an important piece of business. Mr. Roberts stated it was kind of fun.

All present voted Aye.

After the vote Mayor Rose advised the Council that just for clarification there was a lot of discussion from last October through tonight and he just wanted to clear the air on some of that.

With no other business before the Council, **Mr. Billington** moved to adjourn; **seconded by Mr. Bohannon**. All voted Aye. The meeting adjourned at 7:15 p.m.

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Jack Rose, Mayor

ATTEST:

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Jim Osborne, City Clerk