

City of Maysville
Regular Council Meeting
Monday, August 3, 2009
7:00 P.M.

The Mayor and Council of the City of Maysville met on Monday, August 3, 2009, 7:00 p.m. at the Maysville Library.

PRESENT: Mayor Jerry Baker, Councilmember's Clay Dorsey, Lynn Villyard, Rebecca McNeely, Stephan Lewis, City Clerk Barbara Thomas, Attorney Jody Cooley from Hulseley, Oliver, & Maher, LLP.

Mayor Baker opened the meeting with the invocation and pledge of allegiance. The invocation was given by Councilmember Clay Dorsey.

The minutes of four previous meetings were approved with one correction being noted. Motion was made by Councilmember Stephan Lewis, seconded by Rebecca McNeely. Motion carried.

OLD BUSINESS:

A motion was made by Councilmember Lynn Villyard to extend the Pouring License Ordinance until the September Council Meeting. This will give Council more time to review the Ordinance. Councilmember Rebecca McNeely made an amendment to the motion of Lynn Villyard to extend the Pouring License Ordinance until the workshop meeting prior to the September Council Meeting. Seconded by Councilmember Stephan Lewis. Motion carried.

Brandy Freeman asked Mayor Baker to educate what a pouring license is verses what a referendum will do. A lot of people think there is going to be liquor in this town and that is not what this pouring license is all about. All I am asking is that you spend some time with the town before the next meeting.

Attorney Cooley explained that the Council does not have the authority to approve the sale of liquor. According to state law this would require a referendum. Council does have the authority to adopt the Beer and Wine Ordinance, including packaging, after two public hearings are held. After the second hearing is held the council can vote on the ordinance for beer, wine and packaging only.

Brandy Freeman stated that the notice that was published in the legal organ of the newspaper referred to a pouring license. Ms. Freeman stated that if the town is not educated in what a pouring license is, they will think it is distilled spirits. I don't think I should be the one to educate the town, and I am not going to.

Gary Freeman spoke on the redevelopment of the historic downtown area and the advantages of the beer and wine sells in the city. The City Council and the Mayor must look at the citizenry as a whole and what is in the best interest of the town.

Attorney Cooley reported that 170 College Street is the building where an applicant requested that the city issue a zoning confirmation letter. It deals with the proposed use of storing racing fuel at the facility. Our attorney's office reviewed the current zoning laws of Maysville and compared the applicant's

proposed use of that facility with the current zoning laws. The applicant had suggested that this use was a continuation of the existing use by a previous owner. Our legal opinion to the council is that this is not a consistent or continuation use and is not in compliance with the Maysville Land Use Management Code. A motion was made by Councilmember Rebecca McNeely, seconded by Clay Dorsey to have Mr. Cooley prepare a letter to the owner with their legal opinion as submitted to the council. Motion carried.

Attorney Cooley gave his legal opinion on the Lease Agreement between the city and the Maysville Family Practice. We would like to reopen the negotiations between the City and the Maysville Family Practice. We feel like it is worth the effort to re-open the discussion before we enforce the termination notice. If we feel like we are not getting anywhere we will come back before the council at next month's meeting for a more definitive course of action to follow. The council would like to try and work with Dr. Kinsey if possible. A motion was made by Councilmember Rebecca McNeely, seconded by Lynn Villyard to re- open negotiations for 90 days, at the end of 90 days; the attorney is to contact Dr. Kinsey to let him know that he is a tenant at will and the city is revoking his lease. Motion carried.

The right of way mowing agreement was approved by the council. The document was sent to City Attorney Julius Hulseley for review. Upon review by our City Attorney, a motion was made by Councilmember Stephan Lewis, seconded by Clay Dorsey to accept the agreement. Motion carried. Copy attached.

Trent Strickland stated that the city might want to check with Southern Railroad concerning a Beautification Lease Agreement between the city and the railroad.

Attorney Cooley reported on the Streetscape Project that is proposed inside the city limits. It is the city's responsibility to certify that the city owns all the property within the existing right of way that is necessary to complete the project. Engineer work has been done and we have reviewed those records and have not conducted complete title searches. We are willing to issue the appropriate certification letter based upon the information provided that you will agree not to sue our firm. There are two parcels that are so close to the right of ways; we recommend a complete title search of the two properties. (James Lyles and Brenda Thomas). A motion was made by Councilmember Clay Dorsey, seconded by Stephan Lewis to have the City Attorney go forward with a complete title search and certification and give Mayor authority to sign the proper paperwork. Motion carried.

Amendment of \$1000.00 to the Maysville Library Budget was approved upon a motion made by Councilmember Rebecca McNeely, seconded by Clay Dorsey. Motion carried. \$500.00 for books, \$500.00 for programs. This was a donation made by the Dollar General Store.

Planning and Zoning Chairman, Guy Baker made a recommendation to the Council to allow Barbara Davis permission to move her business, Commerce Land Company from the Yellow Rose, 9169 Gillsville Hwy to her personal residence at 61 Bacon Street. This was approved upon a motion made by Councilmember Clay Dorsey, seconded by Lynn Villyard. Motion carried.

A recommendation was made to have each Councilmember setup a town hall meeting with each ward before the next meeting.

Attorney Cooley discussed the process of the readings on the Pouring License Ordinance. The first reading will be for public comment; the second meeting will allow a vote on the ordinance by the

council. The Pouring License Ordinance will be reviewed in detail at the next workshop. This will be put on the agenda for September.

Mayor Baker reported that the September Council meeting will be changed from September 7th to September 14th due to the 7th being Labor Day Holiday.

A motion was made by Councilmember Clay Dorsey, seconded by Rebecca McNeely to adjourn at 8:05 p.m. Motion carried.

Barbara Thomas

September 14, 2009

Certified by City Clerk

Date