

PLEDGE OF ALLEGIANCE - Commissioner Reed

INVOCATION - City Manager Mike Flynn

PRESIDING :

Mayor Edallen York Burtner

PRESENT:

Commissioner JoEllen Reed
Commissioner Shannon Cox
Commissioner Joe Chenault
Commissioner Kitty Strode

City Manager Mike Flynn, City Attorney William A. Dykeman, and Deputy City Clerk Dianna Layne were present.

Upon determining that a quorum was present for the transaction of business, Mayor Burtner called the September 20, 2022 special meeting to order at 3:00 pm in the Commission Chambers of City Hall.

COMMENTS FROM THE GENERAL PUBLIC CONCERNING ITEMS NOT ON THE AGENDA

MINUTES

On motion by Commissioner Cox, seconded by Commissioner Reed, and with unanimous vote, the minutes from the September 6, 2022 Special (4:30 pm) and Regular (5:30 pm) meetings were approved as presented.

DEPARTMENTAL AND AGENCY REPORTS

- A. EMA/CSEPP DES minutes from the August 8, 2022 meeting
- B. Clark County KY-ASAP minutes from the August 18, 2022 meeting
- C. Winchester Municipal Utilities Commission minutes from the August 18, 2022 meeting
- D. Winchester Municipal Utilities Accounts Payable - Transactions for the Period August 15-26, 2022

On motion by Commissioner Chenault, seconded by Commissioner Reed, and with unanimous vote, the Departmental and Agency Reports were approved as presented.

INFORMATIONAL ITEMS

- A. Monday Morning Memo from Brad Sowden, Industrial Development Authority Director
- B. Clark County Community Services News Report for August 2022
- C. Monthly Memo from Fire Chief Chris Whiteley for the month August 11-September 14, 2022

OLD BUSINESS

Main Street Winchester Matters

Mayor Burtner read a memorandum from Main Street Winchester Director Rachael Boyd in which it stated, "The Main Street Winchester Board recommends that Main Street Winchester withdraw from the Kentucky Main Street Program, in order to evaluate and restructure our program to better serve the City of Winchester."

On motion by Commissioner Strode, seconded by Commissioner Reed, and with unanimous vote, the Board approved withdrawing from the Kentucky Main Street Program.

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Mayor Burtner requested City Manager Flynn correspond with the Kentucky Main Street Program regarding this matter.

Mayor Burtner noted once Main Street Winchester withdrew from the Kentucky Main Street Program, he stated contemplation has been given to what steps are next; this will allow for a restructuring of the board with fewer members, and review of the by-laws. He also stated the Code of Ordinances would need to be changed once the Main Street Board had returned to the Commission with more information.

Mr. Tom Sparks of Summers, McCrary & Sparks, auditors for the City spoke regarding the TIF funds. He stated the City had drawn up a participation agreement several years ago but was never formally approved as a budget item. He stated as there were no funds budgeted in previous fiscal years, there was nothing to note in the previous audits.

Mr. Sparks noted the participation agreement developed a baseline back to 2017, property taxes and payroll taxes collected and anything collected over and above the 2017 baseline was supposed to be put into the special TIF fund. He stated the funds were in the general fund and no misappropriations were found. He noted he was asked to compile a spreadsheet that showed all properties in the downtown inside the agreement. He stated they reviewed the payroll and property taxes collected from 2019-2021 and the amount due through 2021 was \$28,385.

City Manager Flynn noted he had directed Finance Director Michelle Lucas to transfer \$14,088 to the TIF account in Fiscal Year 2022. He stated they had only transferred funds from the collected property taxes. He noted he and the Finance Director would transfer funds from the collected payroll taxes.

Mayor Burtner directed City Manager Flynn to review the Main Street Director’s job description and work on the description and bring it back to the Board at a later time.

City Manager Flynn spoke regarding the lighting issues at the crosswalks downtown. He stated the seven lights being changed to LED lights would only cost the City \$58 a month.

On motion by Commissioner Reed, seconded by Commissioner Strode, and with unanimous vote, the Board approved changing the seven lights downtown to LED lights.

City Manager Flynn reported he spoke with Natalia McMillan with KDOT regarding the bulb-out issue. She stated she would discuss and take care of the striping at the bulb-out on Lexington Avenue. He stated the City needs to decide about the three bulb-outs on Main Street. He stated Ms. McMillan stated the Main Street bulb-outs would be different due to them being built out in parking spots and not in traffic lanes as on Lexington Avenue.

NEW BUSINESS

Receive and Consider Petition from Citizens

Mr. Patrick Yocum, 15 Seventh Street, presented a petition and spoke on behalf of the residents in Poynterville and adjacent neighborhoods regarding the possibility of STUFF Recycling opening a recycling center at the old Gate Precast property on Seventh Street.

Ms. Brenda Lyle spoke regarding health issues related to a recycling center at 101 Seventh Street. She stated her child has asthma and it would be detrimental to the residents.

Mr. Daniel Madison stated he was concerned with health concerns if the recycling center was installed in this area.

Mr. Garrett Morton was concerned with the increasing traffic if Stuff’s Recycling moved to the neighborhood.

Mr. Anthony Grisby voiced his concerns regarding this matter.

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William Baker, 228 Third Street, stated he was against the recycling center coming to his neighborhood. He stated his parents were affected by the neighboring industrial entities. He stated the EPA and other agencies reported no issues with regard to pollution in the area. He stated more traffic and crime would occur.

Mayor Burtner noted there had been a community meeting on September 8th at Corinthian Baptist Church which he and Commissioner Chenault attended. He stated he had also spoken with Planning Director Rob Jeffries regarding the zoning of this site.

Mayor Burtner read from Planning Director Rob Jeffries an email dated 9/8/2022, "I wanted to give my opinion on the matter concerning the property located at 101 7th Street and the possible use of a recycling business on the property.

The property located at 101 7th Street is zoned Light Industrial (I-1), the intent of this zoning district is as follows: "The intent of this district is to provide manufacturing, industrial and related uses which are clean, quiet and free from objectionable nuisances such as noise, air pollution, odor, and vibration." A recycling center is not listed as a permitted use in the I-1 Zoning District and would not comply with the intent as described above. A recycling facility would comply more with the intent of the Heavy Industrial (I-2) Zoning District, as it states the following: "The intent of this district is to provide manufacturing, industrial and related uses which may potentially involve nuisance factors such as noise, air pollution, odor, vibration." A recycling business is not specifically called out as a permitted use in the I-2 zoning district either, however, the use is more related to the uses as found in Article 6.161 of the Winchester/Clark County Zoning Ordinance pertaining to principal uses permitted in the I-2 Zoning District. As well as, an existing recycling facility currently in operation in an I-2 (and P-D) Zoning District located at 425 Gawthrop Drive. As such, it is my opinion and interpretation that a recycling facility would not be permitted in the Light Industrial (I-1) Zoning District and would be considered a principal use within the Heavy Industrial (I-2) Zoning District.

The property located at 101 7th Street would need to be rezoned in order to operate a recycling center on the premises. Currently the future land use map, as found in the 2018 Comprehensive Plan, does not identify this property as being Heavy Industrial."

Mayor Burtner noted since the property is not presently zoned I-2, it would have to have a zone change, ratified by the Planning Commission after a public hearing, and the change would then have to come before the City Commission for approval. Mayor Burtner noted that Mr. Jeffries has confirmed that there are no applications from the property owner to have the zoning changed.

Mr. Eugene Morton, Mr. Roy Hudson, and Ms. Brenda Smith spoke about their concerns with Stuff's possible move to Seventh Street.

Mr. Jerry Joiner reported to the Commission and residents present that Stuffs Properties has no intention of opening a recycling center on the property at 101 7th Street.

**Homecoming Parade
October 6, 2022**

On motion by Commissioner Reed, seconded by Commissioner Cox, and with unanimous vote, the Board approved the request to hold the 2022 Homecoming Parade on Thursday, October 6, 2022 at 6:00 pm from Depot Street to Lexington Avenue.

**Halloween Main -IA
October 29, 2022**

On motion by Commissioner Cox, seconded by Commissioner Reed, and with unanimous vote, the request from Main Street Director Rachael Boyd to hold the annual Halloween Main-IA on October 29, 2022 from 5-7 pm and to close Main Street from Broadway to Lexington Avenue and the courthouse square was approved.

**Paint the Town Purple
Decorating Downtown**

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On motion by Commissioner Reed, seconded by Commissioner Cox, and with unanimous vote, the request to decorate the downtown ornamental light standards with purple bows for the Relay for Life event was approved.

**Request to Amend
Sunday Alcohol Sales**

Mr. Chad Walker, 9 West Lexington Avenue, requested an amendment to the Sunday alcohol sales ordinance to extend Sunday alcohol sales from 1-8 pm to 11 am to 10 pm so downtown restaurants could serve alcohol during brunch.

On motion by Commissioner Strode, seconded by Commissioner Chenault, and with unanimous vote, the Board instructed the City Attorney prepare an ordinance amendment for Sunday alcohol sales.

**City Manager’s Report
September 20, 2022**

Mayor Burtner commended City Manager Flynn on his monthly report which was laid on the table for review.

RESOLUTION

**A RESOLUTION ADOPTING THE CLARK COUNTY AREA SOLID WASTE
MANAGEMENT PLAN 2023-2027 UPDATE**

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this resolution was adopted. Resolution No. R2022-8.

ORDINANCES (Second Reading)

**AN ORDINANCE APPROVING THE CHANGE OF ZONING CLASSIFICATION OF A
TRACT OF LAND CONTAINING 0.3 ACRES, MORE OR LESS, LOCATED AT 139 EAST
BROADWAY, WINCHESTER, KENTUCKY, FROM SINGLE FAMILY (R-1D) ZONING TO
GENERAL BUSINESS (B-4) ZONING**

On motion by Mayor Burtner, seconded by Commissioner Reed, and with unanimous vote, this ordinance was adopted upon second reading. Ordinance No. 12-2022.

**AN ORDINANCE IMPOSING AN AD VALOREM TAX ON MOTOR VEHICLES AND
WATERCRAFT FOR THE CALENDAR YEAR 2023**

On motion by Commissioner Strode, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted. Ordinance No. 13-2022.

ORDINANCE (First Reading)

**AN ORDINANCE ACCEPTING THE 2022 TAX ASSESSMENT; IMPOSING AD
VALOREM TAXES; PROVIDING A DUE DATE FOR PAYMENT OF TAXES AND
PENALTY AND INTEREST FOR THE U NPAID TAXES, ALL FOR THE YEAR 2022**

On motion by Commissioner Strode, seconded by Commissioner Cox, and with unanimous vote, this ordinance passed first reading.

Mr. Bob Casher, Bluegrass Area Development District, was present to discuss the calculations used for the 2022 property tax rate. He stated since the City was taking the compensating rate, the City did not need to hold a public hearing.

ORDERS (General)

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AN ORDER ENTERING INTO AN AGREEMENT WITH THE BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE FOUNDATION, INC. TO PROVIDE FUNDING FOR A DUAL CREDIT SCHOLARSHIP

On motion by Commissioner Cox, seconded by Commissioner Chenault, and with Commissioner Reed abstaining, this order was adopted. Order No. 2022-178.

Mr. Bruce Manley, Campus Director for the Winchester Bluegrass Community & Technical College stated this scholarship would provide for 180 college credits for high school students taking dual credit courses at BCTC. This scholarship would be for Winchester students.

AN ORDER APPROVING FUNDING FROM THE DOWNTOWN DEVELOPMENT INVESTMENT FUND FOR DOWNTOWN REVITALIZATION OF A CERTAIN PROPERTY LOCATED AT 2 NORTH MAIN STREET

On motion by Commissioner Strode, seconded by Commissioner Cox, and with unanimous vote, this order was adopted. Order No. 2022-179.

AN ORDER AWARDING A BID FOR THE FY 2023 CRACK SEALING PROGRAM

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted. Order No. 2022-180.

AN ORDER DECLARING CERTAIN CITY OF WINCHESTER PROPERTY TO BE OBSOLETE AND SURPLUS

On motion by Commissioner Strode, seconded by Commissioner Reed, and with unanimous vote, this order was adopted. Order No. 2022-181.

AN ORDER DECLARING A 2011 FORD CROWN VICTORIA VEHICLE SURPLUS AND TRANSFERRED TO THE CLARK COUNTY SCHOOL BOARD TO BE USED BY SCHOOL RESOURCE OFFICERS

On motion by Commissioner Cox, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted. Order No. 2022-182.

PERSONNEL ORDERS (Second Reading)

AN ORDER AMENDING STANDARD OPERATING PROCEDURES FOR THE PUBLIC WORKS DEPARTMENT

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after second reading. Order No. 2022-183.

AN ORDER AMENDING THE POSITION DESCRIPTION OF PATIENT TRANSFER SPECIALIST (Fire/EMS Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Strode, and with unanimous vote, this order was adopted after second reading. Order No. 2022-184.

AN ORDER AMENDING THE POSITION DESCRIPTION OF SINGLE ROLE EMERGENCY MEDICAL TECHNICIAN (Fire Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after second reading. Order No. 2022-185.

AN ORDER AMENDING THE POSITION DESCRIPTION OF SINGLE ROLE PARAMEDIC (Fire Department) (Personnel and Pay Classification Plan)

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On motion by Commissioner Reed, seconded by Commissioner Strode, and with unanimous vote, this order was adopted after second reading. Order No. 2022-186.

AN ORDER AMENDING THE POSITION DESCRIPTION OF FIRE DEPARTMENT LIEUTENANT (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Reed, and with unanimous vote, this order was adopted after second reading. Order No. 2022-187.

AN ORDER AMENDING THE POSITION DESCRIPTION OF EMS OFFICER (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Cox, and with unanimous vote, this order was adopted after second reading. Order No. 2022-188.

AN ORDER AMENDING THE POSITION DESCRIPTION OF FIRE MARSHAL (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after second reading. Order No. 2022-189.

AN ORDER AMENDING THE POSITION DESCRIPTION OF FIRE TRAINING OFFICER (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after second reading. Order No. 2022-190.

AN ORDER AMENDING THE POSITION DESCRIPTION OF BATTALION CHIEF (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Reed, and with unanimous vote, this order was adopted after second reading. Order No. 2022-191.

AN ORDER AMENDING THE POSITION DESCRIPTION OF FIRE CHIEF (Fire-EMS) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Strode, and with unanimous vote, this order was adopted after second reading. Order No. 2022-192.

AN ORDER ADOPTING THE POSITION DESCRIPTION OF EMS TRAINING OFFICER (Fire Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Strode, and with unanimous vote, this order was adopted after second reading. Order No. 2022-193.

AN ORDER ADOPTING THE POSITION DESCRIPTION OF EMS LIEUTENANT (Fire Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after second reading. Order No. 2022-194.

AN ORDER ADOPTING THE POSITION DESCRIPTION OF BRIGADE CHIEF (Fire Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Reed, seconded by Commissioner Strode, and with unanimous vote, this order was adopted after second reading. Order No. 2022-195.

AN ORDER ADOPTING THE POSITION DESCRIPTION OF FIRE INSPECTOR (Fire Department) (Personnel and Pay Classification Plan)

On motion by Commissioner Chenault, seconded by Commissioner Cox, and with unanimous vote, this order was adopted after second reading. Order No. 2022-196.

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**AN ORDER ADOPTING THE POSITION DESCRIPTION OF ASSISTANT FIRE CHIEF
(Fire Department) (Personnel and Pay Classification Plan)**

On motion by Commissioner Reed, seconded by Commissioner Chenault, and with unanimous vote, this order was adopted after seconded reading. Order No. 2022-197.

PERSONNEL ORDERS (General)

**AN ORDER GRANTING EDUCATIONAL CERTIFICATION INCENTIVE SALARY
INCREASES TO CERTAIN PERSONNEL (Public Works)**

On motion by Commissioner Reed, seconded by Commissioner Strode, and with unanimous vote, this order was adopted. Order No. 2022-198.

**AN ORDER GRANTING EDUCATIONAL CERTIFICATION INCENTIVE SALARY
INCREASES TO CERTAIN PERSONNEL (Fire Department)**

On motion by Commissioner Chenault, seconded by Commissioner Reed, and with unanimous vote, this order was adopted. Order No. 2022-199.

**AN ORDER ACCEPTING THE RESIGNATION OF COURTNEY HARRISON, SINGLE
ROLE PARAMEDIC**

On motion by Commissioner Chenault, seconded by Commissioner Reed, and with unanimous vote, this order was adopted. Order No. 2022-200.

**AN ORDER PROMOTING JONATHAN BEAM FROM FIREFIGHTER III/EMT TO
LIEUTENANT /EMT**

On motion by Commissioner Reed, seconded by Commissioner Cox, and with unanimous vote, this order was adopted. Order No. 2022-201.

Alisha and Harper Beam and Greg and Sherry Beam, and his grandmother were present.

**GENERAL COMMENTS FROM MAYOR, CITY COMMISSIONERS, CITY
ATTORNEY, AND CITY MANAGER**

Commissioner Strode:

- DAR Constitution celebration was a great event. Larry VanMeter, Judge Branham, Senator Alvarado, and the Mayor spoke.
- Thanked Public Works for watering the flowers downtown.
- This weekend is the Night Market on Depot Street and the Kiwanis Walk with a Child, the Rally 4 Recovery, and the Walk for the Poor.

Commissioner Reed:

- Reported Cross Medical numbers for June at 100 transfers with no 911 assists; July 103 transfers with two 911 assists; August 92 transfers with one 911 assist; and September to date 61 transfers with no 911 assists.
- National Park Service approved \$250,000 match for the Splash Pad.

Commissioner Chenault:

- Thanked the City for clearing up the issue on Seventh Street

Mayor Burtner:

- Night Market on Saturday and the last Farmers Market
- Retirement Reception for Captain Dennis Briscoe. Stated he's been with the City for 20+ years.
- Rally 4 Recovery will hold a Jail and Bail.

ADJOURN TO CLOSED SESSION

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On motion by Commissioner Chenault, seconded by Commissioner Cox, and with unanimous vote, the Board adjourned to closed session to discuss the following:

XX PROPERTY ACQUISITION KRS CHAPTER 61.810 (b)

CALL MEETING BACK INTO OPEN SESSION

Mayor Burtner called the meeting back into open session.

ADJOURN MEETING

With no further business, on motion by Commissioner Cox, seconded by Commissioner Strode, and with unanimous vote, the meeting was adjourned.

Edallen York Burtner, Mayor

Dianna L. Layne, Deputy City Clerk