

**MINUTES OF THE  
DANVILLE CITY COMMISSION**

The Board of Commissioners of the City of Danville, Kentucky convened in a Regular Commission Meeting in the Public Meeting room at City Hall/Police Station on Monday, January 25, 2016 at 5:30 p.m.

**COMMISSIONERS PRESENT:**

Mayor Perros  
Commissioner Caudill  
Commissioner Terry  
Commissioner Serres  
Commissioner Atkins

**OTHERS PRESENT:**

Ron Scott, City Manager  
Donna Peek, City Clerk  
Tony Gray, Police Chief  
Ken Pflug, Fire Chief  
Earl Coffey, City Engineer  
Stephen Dexter, City Attorney  
Michele Gosser, CFO  
Tom Byerly, Public Works Director  
Andy Tompkins, Water Plant Supt.  
Pam Wright, Advocate Messenger  
Boy Scout Troop 326  
Bethany Rogers, Heart of Danville  
Mary Beth Touchstone, CAC  
Brent Tippey, HDR  
Paula Bary, Planning & Zoning Director  
Mary Ann Hollon  
Tom Poland  
Linda Ain, Attorney  
Arma Bogarus  
John Drake, Parks & Rec. Director  
Mark Morgan, Attorney  
Janet Hamner  
Sarah Vahlkamp  
Jim Porter  
Gavin Pflug  
Others

Mayor Perros announced that a quorum was present and called the meeting to order the time being 5:30 p.m.

Commissioner Serres asked that everyone have a moment of silence for all of the individuals that have been affected by the winter storm this past weekend.

Boy Scout Troop #326 led the Commission in the pledge of allegiance.

**1. APPROVAL OF PREVIOUS MINUTES:**

Commissioner Serres made a motion to approve the minutes of 01/11/2016 as presented. The motion was seconded by Commissioner Terry and unanimously approved upon voice vote.

**2. WATER PLANT UPDATE:**

Brent Tippey, HDR addressed the Commission and gave an update of the progress of the Water plant project. He commended City staff for keeping water going and making things work so well under the current conditions. No action needed.

**3. 1<sup>st</sup> READING – ORDINANCE #1875 P&Z TEXT AMENDMENTS (PIPELINE):**

Commissioner Caudill made a motion to approve the 1<sup>st</sup> Reading of Ordinance #1875 as presented. The motion was seconded by Commissioner Terry and unanimously approved upon roll call vote.

**4. ZONE CHANGE APPROVAL:**

Paula Bary addressed the Commission and requested that the zone change at 805 S. 4<sup>th</sup> Street be approved as presented.

Commissioner Terry asked if the Commission could hear the public on this subject.

City Attorney Stephen Dexter advised the Commission that they were not allowed to hear new information on the zone change – also advising they are to make a decision on the zone change based on the information that is in front of them.

Commissioner Atkins made a motion to approve the zone change as presented for discussion. The motion was seconded by Commissioner Caudill also for further discussion.

Ms. Bary added that there are three conditions that are to be met by the owner, b. the large tree lines will remain and count towards the landscape requirement. c. Self Refind will build the furthest warehouse with its back facing the shared property line so that cars cannot access the back; and d. Lighting will be directed away from adjoin residences. Condition a. – was not agreed upon by the owner – (the property's sole use will be for storage facilities)

Mayor Perros asked if it is legal and possible that Planning & Zoning deny the zone change due to the property owner not accepting a condition of approval as noted in this zone change. The owner could technically build storage building originally and then come back in two months and put in something else less desirable.

The Mayor would like for these items to be addressed.

After much discussion, Commissioner Atkins called for the question. Commissioner Serres seconded the call and was unanimously approved upon voice vote.

Mayor Perros then asked for a vote on the motion as it stands. All in favor, Commissioner Atkins, Commissioner Terry, Commissioner Caudill & Mayor Perros. All opposed, Commissioner Serres.

Upon more discussion of the way Planning & Zoning makes decisions on zone changes was discussed and the Commission asked that City Manager Ron Scott learn more about the thought of Performance based zoning and the Commission would like to have a workshop on the item at a later date. The Commission also asked the City Manager to discuss the historic ordinance with the AHB board to see how the City of Danville could possibly add to the ordinance or change to protect historic properties throughout Danville. No other action was taken.

**5. COMMUNITY AGENCY FUNDING POLICY:**

City Manager Ron Scott addressed the Commission and discussed the upcoming budget process and presented a draft policy for funding community agencies and organizations. (Please see attached)

After much discussion, City Attorney Dexter made a suggestion that the Commissioners bring any questions and suggestions to the City Manager by close of business tomorrow and then have a draft of the policy for discussion/approval on the special called meeting at 3:30 on Thursday the 28<sup>th</sup>.

No further action on this item.

**6. 1<sup>ST</sup> READING – ORDINANCE #1876 – GAS FRANCHISE:**

Linda Ain addressed the Commission in regards to the adoption of the gas franchise as presented. Commissioner Terry made a motion to approve the 1<sup>st</sup> Reading of Ordinance #1876 as presented. The motion was seconded by Commissioner Caudill for discussion.

Commissioner Serres asked Ms. Ain if there are out clauses in the contract and if they do not meet the contract requirements we can end the agreement.

Commissioner Caudill and said his concerns are that we are again asking the Citizens to pay another fee through their gas carrier after just raising new taxes and fees this past fiscal year. I worry that we are just beating the citizens to death, because we all know where the two percent will come from.

Commissioner Serres said he didn't read it like that. Ms. Ain said that the cost will go to the citizens with gas heat and water heaters and made the argument that this is really a fee that is already being paid by citizens with electric service through a franchise fee with KU. Many communities see this as an equality factor so that both citizens with gas and electric are paying the same fees.

Ms. Ain confirmed there are out clauses for the City in the agreement and she said this was a necessary and good ordinance and opportunity for Danville.

After discussion completed, roll call was taken and the 1<sup>st</sup> reading of ordinance #1876 passed unanimously.

**7. CITY MANAGER REPORT:**

City Manager Ron Scott addressed the Commission and gave his report.

He thanked the City workers for all that they did to keep Danville safe and the streets clean during the recent snow event.

Secondly, how do we have dialogue on the Planning & Zoning earlier discussion - I will be glad to meet with Planning & Zoning to discuss a path forward.

**HEAR THE PUBLIC:**

Sarah Vahlkamp addressed the Commission and thanked them for the passage of the ordinance regarding the pipeline issue.

Mark Morgan addressed the Commission and thanked them for the leadership they have shown throughout the pipeline discussion – this is to be applauded.

Arma Bogaris addressed the Commission on behalf of the Christmas tree at Weisiger Park. He said the tree can't speak for itself and he thinks it would be nice to leave it where it is or transfer it to Millennium Park. He asked the City to take the lead on this and ask for volunteer pledges to save the tree.

Nancy Davis addressed the Commission also on behalf of the tree and said she agrees with Arma. She also addressed the house at 805 S. Fourth Street saying she believes the house could have been salvaged.

**BREAK:**

Upon a request from Commissioner Atkins, Commissioner Caudill made a motion to take a break at 7:20 for ten minutes. The motion was seconded by Commissioner Atkins and unanimously approved upon voice vote.

Commissioner Caudill made a motion to return to session at 7:30 p.m. The motion was seconded by Commissioner Terry and unanimously approved upon voice vote.

#### **8. PAYMENT OF THE BILLS:**

Commissioner Caudill made a motion to approve the bills in the amount of \$215,786.74 as presented. The motion was seconded by Commissioner Serres and unanimously approved upon voice vote. A breakdown of departments is as follows: General fund - \$80,881.86; Utility Fund – \$62,508.15; Parking fund - \$946.16; Capital fund - \$425.16; Storm water fund - \$2,917.32; Non-departmental – \$29,625.00; Cemetery fund - \$434.50; Garbage fund - \$3,150.00; Museum fund - \$251.16; and Payroll taxes in the amount of \$34,647.43.

#### **9. RESOLUTION #2016-01-25-01 – LANDSCAPING/BEAUTIFICATION BID AWARD:**

Commissioner Atkins made a motion to approve Resolution #2016-01-25-01 as presented. The motion was seconded by Commissioner Terry and unanimously approved upon voice vote. This resolution approves the landscaping services for the Downtown landscaping and annual flower program contract from Feb 1, 2016 – Jan 31, 2017 as presented to Devine Creations in the amount of \$48,885.00.

#### **10. RESOLUTION #2016-01-25-02 – WEISIGER PARK CHANGE ORDER #2:**

Commissioner Atkins made a motion to approve Resolution #2016-01-25-02 as presented. The motion was seconded by Commissioner Serres and unanimously approved upon roll call. This resolution approves change order #2 with Bluegrass contracting corporation in the amount of \$58,280.00 as presented.

#### **EXECUTIVE SESSION:**

Commissioner Caudill made a motion to move into executive session pursuant to KRS 61.810 1(f), for personnel action. The motion was seconded by Commissioner Atkins and unanimously approved upon voice vote, the time being 7:45 p.m.

#### **REGULAR SESSION:**

Commissioner Serres made a motion to move back into regular session at 8:02 p.m. The motion was seconded by Commissioner Caudill and unanimously approved upon voice vote.

#### **ACTION:**

Commissioner Terry made a motion to accept the resignation of Justin Hollen, firefighter recruit, as presented. The motion was seconded by Commissioner Atkins and unanimously approved upon voice vote.

Commissioner Atkins made a motion to approve the conditional hiring of Jerry Domidion as a Firefighter recruit as presented with the usual probationary measures. The motion was seconded by Commissioner Caudill and unanimously approved upon voice vote.

Commissioner Atkins made a motion to approve the promotion of Chris Wentz to the position of Police Sgt. in the Police department as presented with the usual probationary measures. The motion was seconded by Commissioner Caudill and unanimously approved upon voice vote.

#### **ADJOURN:**

Commissioner Terry made a motion to adjourn at 8:05 p.m. The motion was seconded by Commissioner Serres and unanimously approved upon voice vote.

APPROVED:

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MAYOR MIKE PERROS

ATTEST:

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DONNA PEEK, CITY CLERK