

The regular meeting of the Brandenburg City Council was held October 10, 2022 at Brandenburg City Hall.

PRESENT:

Ronnie C. Joyner, Mayor
Amy Haynes, City Clerk
~~Brian Haag, Police Chief~~
T.J. Hughes, Public Works Dir.
Rachel Brown, City Atty
Tim Hendley, Sergeant

COUNCILMEMBERS

Charlotte Ford
Bruce Fackler
Bryan Claycomb
Bill Basham
Bradley Johnston
Ginger Coomes

VISITORS: Gene Webster-WVIH, Lee Klockow-Planning & Zoning, Cheryl & Daniel Hehl, Felica & Eric Troutman, Georgie & Eric Wardrip, Judy & John Brown, Jason Humphrey, Doug Cornett, Mark Spry

PLEDGE OF ALLEGIANCE & PRAYER:

The meeting was called to order @ 7:00pm and opened with the Pledge of Allegiance and a prayer led by Bruce Fackler.

PLANNING & ZONING:

Review of Ordinance 593 – Rezoning of Hesler Lane / Jason Humphrey

A poll of the crowd as to whether or not they were in favor was taken, due to the amount of visitors present in regards to the issue. The Hehls, Troutmans, Browns, & Wardrips were all against the zoning change of R1 to R3. Mr. Humphrey and Mr. Cornett were for the change as the property owners. Lee Klockow, Planning & Zoning Administrator gave a rundown as to why this was being decided by the Council. After 3 Public Hearings held on the matter, a vote was held on September 27th, with the Planning Commission voting down the change in a vote of 2 against, and one member for. Another member abstained from voting, and one member was absent.

A motion was made by Bryan Claycomb to overturn the Planning & Zoning recommendation and approve the zoning change. A second was made by Charlotte Ford. Then a discussion was opened up to the Council. Claycomb stated 3 reasons that he felt the change was a positive one: patio homes are compatible with neighborhoods and single-family homes, there currently isn't a patio home for sale in the City due to their popularity, and the City should always encourage taxable investments in the City. Councilmember Fackler questioned Mr. Klockow about why the measure was voted down, and the response was that most of the problem lied in the accommodation of the existing street/drive and the in/out of multiple construction vehicles, as well as future homeowners. He did state that although R3 could open the land to the possibility of multi-family apartment buildings, the developers had agreed to self-impose deed restrictions limiting the construction to a 1 story duplex, patio home, or triplex. Councilmember Johnston stated that he felt that overturning the commission's recommendation could open a "can of worms". He pointed out that the City would be unable to enforce any deed restrictions because those would be covenant, not a City ordinance. Johnston did state that these changes also did not reflect in the Master Plan, as was corroborated by Mr. Klockow. Fackler then pointed out that the point of zoning is that the Council did have the ability to overturn or agree with any recommendations of the Commission for the betterment of the City. Claycomb reiterated that he felt that the need is now for more development in the City, with less and less available areas for growth. Klockow stated that the Comprehensive Plan is in the process of being updated currently, but of course they could not anticipate future needs, and that this particular land was not changed in this cycle. Johnston stated that this is "spot zoning" and that was not what Planning & Zoning was for. Fackler stated his biggest concern would lie in the roadway/drive at this point. After discussion a vote was taken with Claycomb, Basham,

and Ford voting for overturning the P&Z decision and allowing the rezoning to R3. Fackler and Coomes abstained from the vote. And Johnston voted against the measure.

Mr. Hehl addressed the Council that he just wanted to be sure that his driveway remained in tact and that the road isn't cut off. Mrs. Troutman reiterated that she felt this would add to a traffic issue of increased speed and vehicles in the subdivision, and would like to see either the City consider sidewalks, or speed humps, to help with the issues. The Mayor assured that the City would look into the possibility of speed humps.

TRICK OR TREAT HOURS:

A motion was made by Bruce Fackler, seconded by Bill Basham, to keep the same trick or treat hours of 5:30pm-8:00pm on October 31, 2022. Vote of motion was unanimous.

APPROVAL OF MINUTES:

A motion was made by Bruce Fackler, seconded by Ginger Coomes, to approve the minutes from the September 12, 2022 meeting. Vote of motion was unanimous.

TRANSFERS:

A motion was made by Bradley Johnston, seconded by Bryan Claycomb, to approve the monthly transfers as read. Vote of motion was unanimous.

PLANNING & ZONING ORDINANCES:

Ordinance #593 Hesler Lane Rezoning was read aloud for the first reading by City Attorney Rachel Brown.

Ordinance #600 regarding the Rezoning of Riverbran LLC Building 1, was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #601 regarding the Rezoning of Mcdonald's was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Ginger Coomes, seconded by Bryan Claycomb, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #602 regarding the Rezoning of Riverbran LLC Bldg 2&3 was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bruce Fackler, seconded by Ginger Coomes, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #603 regarding the Rezoning of Kroger Fuel Station was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bryan Claycomb, seconded by Bruce Fackler, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #604 regarding the Rezoning of Walgreens was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bill Basham, seconded by Bruce Fackler, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #605 regarding the Rezoning of Mr. Gatti's was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #606 regarding Amending Section V of the Planning & Zoning Ordinance was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bryan Claycomb, seconded by Bradley Johnston, to approve the ordinance as read. Vote of motion was unanimous.

ANNEXATION ORDINANCES:

Ordinance #580 regarding the annexation of the Mike Jones property was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bryan Claycomb, seconded by Bradley Johnston, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #581 regarding the annexation of the Newcomb Oil property was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Ginger Coomes, seconded by Bill Basham, to approve the ordinance as read. Vote of motion was unanimous.

Ordinance #596 regarding the annexation of the G&FF Property was read aloud for the second reading by City Attorney Rachel Brown. A motion was made by Bryan Claycomb, seconded by Bradley Johnston, to approve the ordinance as read. Vote of motion was unanimous.

DEPARTMENTAL REPORTS:

OFFICE: The monthly office report was presented by City Clerk Amy Haynes. Haynes also updated that the water bills were printed and distributed this month on paper, rather than the usual cards, due to a shipping error from the supplier. She also reminded that the Large Item Pick-up for the City would be held on October 22, 2022.

POLICE: The monthly Citizens on Patrol and Police Department reports were presented by Sgt. Hendley. He reiterated that the Citizens on Patrol had handled Tucker Day, a couple of walk/runs, and the usual school traffic. He also reported that Officer Mitcham's vehicle was out of commission due to a dog strike which caused damage, and that he would be using the "pull" car until the repairs were made.

WATER/SEWER: The monthly report was presented by Public Works Director TJ Hughes.

WWTP Update: TJ reported that progress was still being made, and the approximately 90% of the dirt work had been completed as of the meeting. He noted that due to electric issues with one of the clarifiers. He hoped that at the earliest next week sewage would start being run through it. Councilmember Johnston asked that once the sewer plant was up and running, he would suggest a report be put into the monthly council meeting packets.

CBR: Councilmember Fackler asked if the maintenance department had begun work on Christmas by the River displays, and TJ informed that yes the work had begun.

Water Plant: TJ then updated that the ongoing discolored water issues were about 90% corrected, and that hopefully we would start flushing all the lines on Tuesday, October 11th. As far as the water plant upgrade, the Mayor stated that we are currently waiting on state approval on the specs for installation.

Parks: Mayor Joyner mentioned that it had been brought to his attention that the crack in the retaining wall at the old sewer plant downtown was spreading, and the wall was in danger of eventually collapsing. He stated that we would look at options for repair. Councilmember Johnston stated that he believed the building should just be torn down, but Mayor Joyner reminded him of the large expense

related to destruction. Mayor Joyner also pointed out that the entrance to Buttermilk Falls in Riverfront Park had been blocked off due to a couple of vehicles experiencing damage due to limbs falling out of the overhanging trees.

Sidewalks: Mayor Joyner updated the Council that we were still waiting on the State for final approval before the project could be started.

BUSINESS LICENSES:

Volkov Industries

Address: 2075 Bypass Road Suite 5

Type of Business: Office space only for a manufacturing business

Applicant: Paul Volkov

A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the business license for Volkov Industries. Vote of motion was unanimous.

Green Leaf Emporium, LLC

Address: 365 Broadway, Suite 2

Type of Business: Retail

Applicant: Ryan Lane

A motion was made by Bradley Johnston, seconded by Bryan Claycomb, to approve the business license for Green Leaf Emporium, LLC. Vote of motion was unanimous.

Kentuckiana Liquidations, LLC

Address: 2320 #4 Bypass Road

Type of Business: Retail

Applicant: Keia Miller

A motion was made by Bruce Fackler, seconded by Bill Basham, to approve the business license for Kentuckiana Liquidations, LLC. Vote of motion was unanimous.

OTHER BUSINESS:

Mayor Joyner brought to the Council's attention that the Waste Mgmt contract was expired, and that we were issuing a Request for Proposal's to rebid the contract. He informed that at least 5 companies were interested in bidding. He stated that regardless of who got the contract the pricing of \$13.91 for twice a week pickup and once a week recycle was definitely a thing of the past. He also stated that we haven't ruled out the possibility of the City handling the recycling and taking it to our recycle center.

A motion was made by Bryan Claycomb, seconded by Charlotte Ford, to adjourn the meeting. Vote of motion was unanimous.

Ronnie Joyner, Mayor

Amy M. Haynes, City Clerk