

The regular meeting of the Brandenburg City Council was held May 8, 2023 at Brandenburg City Hall.

PRESENT:

Bryan Claycomb, Mayor
Amy Haynes, City Clerk
Brian Haag, Police Chief
T.J. Hughes, Public Works Dir.
Jessica Brown Roberts, Atty
Tim Hendley, Sergeant

COUNCILMEMBERS

Charlotte Ford
Bruce Fackler
Mark Spry
Bill Basham
Bradley Johnston
Ginger Coomes

VISITORS:

Gene Webster – WVIH, Jennifer Marshall, Liz Bell, Connie Fackler, Gorby Wright

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, followed by a roll call by City Clerk Amy Haynes.

YARD OF THE MONTH:

Yard of the Month for May 2023 was awarded to Mitch and Becky Crump at 674 Hillcrest Drive. The Crump's were not present at the meeting, but the sign will be placed in their yard and a certificate mailed to them.

APPROVAL OF MINUTES:

A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the minutes from the April 10th, 2023 regular monthly meeting. Vote of motion was unanimous.

DONNA DRIVE ACQUISITION:

Mayor Claycomb explained that a piece of property where the lift station is located on Donna Drive needs to be purchased from the neighboring homeowner. Mr. and Mrs. Raines, the homeowners, have agreed to accept \$5000.00 for the parcel, and after completion, a part of the untouched land can be deeded back to the Raines'. The lift station is in dire need of repairs or possible replacement, and this would allow the City to complete the work without the need for any additional easements. A motion was made by Bradley Johnston, seconded by Bill Basham, to approve the acquisition of the Raines' property. Vote of motion was unanimous.

INTERLOCAL AGREEMENT:

The Mayor explained the need for an interlocal agreement with Meade County regarding any future annexations into the City of Brandenburg. He stated that we do have an excellent working relationship with the County, but if or when we annex property and that property is developed, the County is entitled to half the revenue from the Insurance Premium Tax collected on the property. This will take effect on any property annexed after April 1, 2023, and not on any previous annexed properties. The County has agreed to bare the burden of figuring the insurance tax paid by the property owners, and providing proof to the City of the total paid as well as the total amount reimbursable to the County. A motion to approve the interlocal agreement was made by Bill Basham, seconded by Mark Spry. Vote of motion was unanimous.

SECOND READING OF ORDINANCE #580 – Annexation of Mike Jones Property:

The ordinance summary was read aloud by Attorney Jessica Roberts. A motion was made by Mark Spry and seconded by Ginger Coomes, to approve the ordinance as read. Vote of motion was unanimous.

SECOND READING OF ORDINANCE #581 – Annexation of Newcomb Oil Property:

The ordinance summary was read aloud by Attorney Jessica Roberts. A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the ordinance as read. Vote of motion was unanimous.

SECOND READING OF ORDINANCE #596 – Annexation of G&FF, Inc. Property:

The ordinance summary was read aloud by Attorney Jessica Roberts. A motion was made by Bill Basham, seconded by Bruce Fackler, to approve the ordinance as read. Vote of motion was unanimous.

SECOND READING OF ORDINANCE #610 – Annexation of Linn Begley Property:

The ordinance summary was read aloud by Attorney Jessica Roberts. A motion was made by Bruce Fackler, seconded by Mark Spry, to approve the ordinance as read. Vote of motion was unanimous.

SECOND READING OF ORDINANCE #610 – Annexation of Argabright Property:

The ordinance summary was read aloud by Attorney Jessica Roberts. A motion was made by Ginger Coomes, seconded by Bruce Fackler, to approve the ordinance as read. Vote of motion was unanimous.

FIRST READ OF ABC ORDINANCE #611 – Amending Ordinance #534, Section VIII (B):

The ordinance summary was read aloud by Attorney Jessica Roberts. The second reading will be held at the June 12, 2023 regular meeting.

TRANSFERS:

A motion was made by Bruce Fackler, seconded by Charlotte Ford, to approve the monthly transfers as read. Vote of motion was unanimous.

OFFICE REPORT:

City Clerk Amy Haynes presented the monthly office report for March 2023. Ms. Haynes then notated to the Council that there would be a parade held on the morning of the Bicentennial celebration, Saturday, May 20, 2023, should any of the Council want to participate. She noted that the office should be notified if they choose to ride in the parade. Mayor Claycomb also noted that on each Wednesday after the council meeting, the employees participate in an in-service session / luncheon and that all Councilmembers are invited to attend should they choose to do so.

POLICE/COP REPORT:

Chief Haag presented the monthly totals for both the police department as well as the Citizens on Patrol. He also updated that the Main Street intersection was now open at the top of the hill, but there could be some delays in traffic, or flaggers, as the sidewalk construction continues. He stated that everyone had worked well together on Main Street, including the contractors and business owners, and all were hopeful of a completion date of June 30, 2023. He then updated that Main Street would again be closed on May 20th for the Bicentennial celebration, but that shuttle services would be provided for all attendees. He noted that business owners and campers would be provided with parking passes for the day. He updated that the parade for that celebration would begin at 11:00am from Moremen Road, and would continue along Broadway to Lawrence Street.

Councilperson Basham then asked for an update on the Shield 616 project for the purchase of new vests for the department. Haag noted that around \$7000.00 had currently been raised, and that the new

vests would include a rifle rating that isn't an option with the current vests. He did point out that all officers do currently have vests and that all are within their allotted expiration dates. He stated that these vests are just the next step in safety for all officers. The approximate cost for all 6 needed vests is \$20,300.00.

Chief Haag then noted again that a grant that has been applied for in conjunction with the Meade County School Board is still in the works, and there has been no word to this point on who the awards will be given to. He said they generally award them each quarter.

Mayor Claycomb then noted that Shield 616 is a project which Chief Haag asked to be involved with, and in no means does that indicate that the City cannot provide the funding for these vests. He stated that he had not been asked for any budget allocations or any help with fundraising for the project. He reiterated that should there become an imminent need for the vests, the City would undoubtedly make any budget amendments for the purchase.

Chief Haag then updated the Council that both officers and COP's had worked on opening day of the Farmer's Market and were able to provide Kid Id's.

WATER/SEWER REPORT:

Public Works Director TJ Hughes presented the monthly report for his department. He also presented to the Council some examples from the Meade County Recycle Center of products that they can produce using recycled glass. Residents who want to recycle glass must place it in separate bags in their bins before pickup.

Regarding the Wastewater Treatment Plant construction, T.J. pointed out that not much had changed on that end. He said that the City was meeting all of their permits presently, but there are some glitches in the communication at the plant which is being addressed by the contractors.

Mr. Hughes then updated that the Water Plant temporary fix is also running well, even on the City's "worst" well.

Mayor Claycomb pointed out that the contractor for the Wastewater Treatment Plant construction had requested their final payment, but that these funds will not be released until all problems are corrected. The overage issue with the contractor is still pending.

The next point of discussion was regarding a state contract bid truck to replace an older fleet vehicle which needs a new transmission. Mayor Claycomb noted that bids had been submitted from local financial institutions regarding the financing/purchasing of a skid steer, a service truck, and a police vehicle. Meade County Bank presented the lowest financing bid of 2.99%. Mayor Claycomb has confirmed with Meade County Bank that they would honor this same rate for a replacement pick-up truck for the maintenance department which is available at Ray's Ford. The bank has agreed to honor the same rate on this fourth vehicle as previously quoted for the skid steer, service truck, and police vehicle. Chief Haag noted that the police vehicle should be in in approximately 2 weeks-time.

A motion to approve the purchase of the 2023 Ford F150 truck at the 2.99% interest rate was made by Bill Basham and seconded by Mark Spry. Vote of motion was unanimous.

Councilman Fackler then asked about repairing a portion of sidewalk in front of 71 A & B Broadway. He reported that it is breaking up badly and needs to be repaired. TJ advised he would review the situation on the following day.

It was then asked about the status on the Elmer Davis property at the corner of Main Street and Broadway. Mayor Claycomb advised that he was still waiting on a response from one of the heirs of the property.

BUSINESS LICENSE:

MESSER LLC

Address: 3340 Bypass Road

Type of Business: Industrial and Medical Gases

Applicant: Thomas Love

A motion was made by Mark Spry, seconded by Bruce Fackler, to approve the business license for Messer LLC. Vote of motion was unanimous.

Strategic Beauty

Address: 455 Broadway

Type of Business: Esthetics/Spa

Applicant: Haylee Nelson

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

Bottom's Boards

Address: 233 Fireside Drive

Type of Business: Charcuterie Board / Setups

Applicant: Marjorie, Cody, Christopher, & Lincoln Bottom.

A motion was made by Bruce Fackler, seconded by Ginger Coomes, to approve the business license for Bottom's Boards. Vote of motion was unanimous.

OTHER BUSINESS:

*Councilperson Ford stated that she didn't have anything to bring up this time.

*Councilperson Fackler stated that he would like to revisit the dog park which was talked about and voted on at the last meeting. He now feels like the location in Riverfront Park is possibly not the ideal place for the dog park. He noted he thought it should be placed elsewhere in the City, perhaps Meade Olin Park or Nichol Park. Another place that isn't such a high traffic area as Riverfront Park. City Clerk Haynes re-read the motion from the previous meeting to remind the Council of the vote and motion which was made. The Mayor stated that he appreciates Bruce's work and investigation into other options, but that he had been to both Etown and Vine Grove to look at their parks, and still believed that Riverfront Park was the best option here. Mayor Claycomb then distributed a print-out of a message which was sent to all Councilmembers from the previous Mayor. He also handed out a park map for the Bicentennial Celebration that shows that the section of the park allotted for the dog park is an area not regularly utilized during events and would not interfere with park activities. He stated that the message from the former mayor is critical of the decision made by Bryan and is disingenuous. He says it is not a PINS project, just something that he hoped to accomplish as Mayor, and that there was a different board for the dog park project than PINS. The Mayor also stated that we are not implementing the dog park at the expense or detriment of our police officers' safety. The biggest issue seen by Claycomb is that he was personally attacked by the former mayor, as was his stepdaughter. He stated the message was inappropriate and not appreciated, he feels that the previous mayor had crossed the line with the message. Councilman Fackler stated that after looking at the dog park again, he does not feel like Riverfront Park is a good fit for the location. Councilman Basham stated that his only problem was the

proximity to the campground and the liability should a dog escape the park or attack another dog or person/child. Councilman Johnston stated that his opposition was that the dog park would take up too much greenspace in the park. He said it had nothing to do with money just location.

*Councilperson Johnston wanted to point out that Councilman Basham had asked the previous month about a donation of \$4800.00 to the Senior Citizens center to be used for improvements to their parking lot. A motion was made by Bradley Johnston, seconded by Bruce Fackler, to allot the \$4800.00 to the Senior Citizens Center for the parking lot improvements. Vote of motion was unanimous. Mayor Claycomb noted that he and the Judge Executive were working with the Senior Citizens board of directors to get the center back on track for public use, and would likely allocate funding in the future.

*Councilperson Coomes stated that after looking at the map and visiting the park after the last meeting she also had concerns about the safety of kids, adults, and other dogs. She stated that she was not against a dog park, just against the location.

*Councilperson Spry questioned if the City would have the capability of moving Pavilion 1 to allow the dog park to be set farther away from the campground and other activities.

Mayor Claycomb then readdressed the Council stating that he was just as passionate about the dog park as Bruce Fackler, but they were clearly on different sides of the argument. He stated that as far as he was concerned, if the dog park was not placed in Riverfront Park, it would become a dead issue, because he wouldn't endorse any other locations.

Visitor Connie Fackler suggested another possible area in the front of the park, but was also concerned on whether all dog owners would be responsible owners as far as assuring all shots and records were up to date, as well as all waste was picked up.

Visitor Jennifer Marshall stated that the dog park was discussed several years ago with the previous mayor Ronnie Joyner and due to a clash over another issue, he withdrew his support of the park. She stated the location in Riverfront Park was level and the ideal location for the park to be placed.

Councilman Fackler noted that not all dog parks have to be on level ground, and that he could show proof after viewing the Freeman Lake dog park. Ms. Marshall stated that people are already using our beautiful park with their dogs, and that most dog owners she feels would love to utilize the dog park. She said having the dogs in the confined area would actually be safer than the dogs simply being leashed in the park.

*Councilperson Ford asked about the likelihood of the dog park being used by all dog owners, as she didn't feel this was very likely. Mayor Claycomb stated that there is no way to predict usage prior to construction.

*Councilman Fackler state that on a simple poll he took in the park more than half suggested that they would indeed use a dog park, but in reality, most of them were not even citizens of the City or County. Mayor Claycomb stated that the dog park would give dog owners an option other than walking the dogs on leashes.

*Visitor Liz Bell, a 23 year PINS member stated that she would even assure the City that the PINS organization would assist in the cleaning up of the waste within the parameters of the dog park.

*Councilman Fackler then asked to poll the council to revisit their thoughts on continuing with the dog park in Riverfront Park. Councilpersons Ford, Fackler, Johnston, Coomes, and Spry all voted no stating that they were not in support of the current location. Councilman Basham voted yes.

*Attorney Jessica Roberts was asked about the legality and procedure to reconsider the original motion from the last meeting. She said someone who voted in favor of the original motion could make the motion to reconsider the original vote.

A motion to reconsider the original motion regarding the location of the dog park was made by Bruce Fackler, seconded by Ginger Coomes. Vote of motion was unanimous.

A motion was then made by Fackler to not pursue the Riverfront Park location for the dog park. The motion was seconded by Johnston. The vote passed with Fackler, Johnston, Ford, Coomes, and Spry voting for, and Basham abstaining from the vote.

Mayor Claycomb stated that he would not be pursuing other locations for the dog park within the City limits.

A motion was made by Johnston, seconded by Fackler, to adjourn the regular monthly meeting. Vote of motion was unanimous.

Bryan Claycomb, Mayor

Amy Haynes, City Clerk/ Treasurer0