

**Grayson City Council
Special Meeting
March 27, 2012
5:00 p.m.**

Call to Order

Mayor Steele called the meeting to order.

Roll Call

Present: Duane Suttles, Jack Harper, Terry Stamper, Pam Nash, Pearl Crum, Juanita Kennedy.

Devotion

Devotion was led by Jim Phillips once the Pledge of Allegiance was recited.

2nd Reading of Ordinance

Attorney Reid Glass gave the 2nd reading of Ordinance 2-2012

Ordinance 2-2012

**AN ORDINANCE ACCEPTING AS DEDICATED A CERTAIN ROADWAY WITHIN THE CORPORATE
BOUNDARIES OF THE CITY OF GRAYSON**

(Retained a certain roadway across the property connecting Rupert Lane to Carol Malone Boulevard)

Mayor Steele made the statement of the following:

1. By law, the city cannot forbid Wal-Mart from come to Grayson
2. Wal-Mart is coming to the community

Visitors

Councilman Duane Suttles

Councilman Suttles since this area in question is not listed on any city map as a city street; the city should compensate the current property owners and not forcibly take the property. This is the procedure the city took when building the current fire station. It is his responsibility as an elected official to look after the well being of the citizens on this community.

Will Wilhoit

When the land was sold 12 yrs ago, 4th Leaf retained this strip of land. The agreement was reached by the parties was 4th Leaf would maintain it until they formally dedicated it to the city or the city would accept it as a roadway.

Reid Glass read KRS

Attorney Glass read from KRS:

When any property has been opened to unrestricted use of the general public for 5 consecutive years, it shall be conclusively presumed to have been dedicated to the city or consolidated local government as a public way or easement subject to acceptance by the city or consolidated local government. The city or consolidated local government may at any time after expiration of the 5 years from which from the time the property is opened to the public, pass an ordinance declaring so dedicated and accepting dedication whereon it shall be a public ware easement of the city or consolidated local government for all purposes.

This statute was enacted in 1980 and he could not find any constitutional challenge to be stricken.

Councilman Suttles asked if it is the intent of the council to identify all such parcels of land and take the same action on those parcels or just this one parcel.

Mayor Steele stated not to his knowledge.

Jeff Scott

He would like the council to understand where the statute KRS 82.400(3) says unrestricted use that is an evidentiary fact. That must be established not a by declaration of the council. His client announced last week that the road had been closed on occasion.

Mr. Scott if Wal-Mart comes to Grayson, annexation process must be taken. Also, Planning and Zoning Commission has not been involved with this issue.

Mr. Scott asked the Council to compensate the owners by Eminent Domain, not giving a 2nd reading tonight.

Reid Glass

Attorney Glass stated the ordinance makes an evidentiary fact conclusion.

Will Wilhoit

Mr. Wilhoit stated if the Wal-Mart was located near the AA Highway, annexation would be next to impossible due to annexation will cross privately owned property.

Pearl Crum

Councilperson Crum calculated the strip of land in question would be valued at \$150,000.00. This was based on the appraisal of the entire property sold at auction.

Jack Harper

Mr. Harper felt by taking this area into the street system, the city would have more control over the traffic flow. He wants to see this town grow. The only way to grow is increased revenue.

Juanita Kennedy

Mrs. Kennedy asked Jeff Scott if the Woods Brothers were planning to block the road if a 2nd reading was not passed. Mr. Scott said not to his knowledge as his client had told them in the previous meeting.

Jeff Scott

He expressed concern of the urgency of passing this ordinance within a couple of weeks.

Reid Glass

Attorney Glass stated this is the normalcy of the council since he had been city attorney since 2010.

Duane Suttles

He is very concerned of the precedence the council will set by passing this ordinance. He also wishes Wal-Mart to be aware if they locate outside of the city, there will be no city police protection and certain restrictions of the fire department. He is asking for the council to be very cautious and asking his fellow council members to reconsider.

Pam Nash

Councilperson Nash stated she felt if Wal-Mart comes to Grayson, many people will shop in Grayson from other communities. They will shop other businesses too.

Motion: To accept the 2nd reading of the ordinance,

Action: Approve, **Moved by** Terry Stamper, **Seconded by** Pam Nash.

Vote: Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

Yes: Jack Harper, Juanita Kennedy, Pam Nash, Terry Stamper.

No: Duane Suttles, Pearl Crum.

Adjourn

Motion: To accept the 2nd reading of the ordinance,

Action: Approve, **Moved by** Terry Stamper, **Seconded by** Jack Harper.

Vote: Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

Yes: Jack Harper, Juanita Kennedy, Pam Nash, Terry Stamper.

No: Duane Suttles, Pearl Crum.

ATTEST:


George Steele, Mayor



Cindy Stratton, City Clerk