

**Grayson City Council
Special Monthly Meeting
March 22, 2012
5:00 p.m.**

Meeting Called to Order

Mayor Steele called the meeting to order at

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.

Adopting of Street

Attorney Reid Glass read the proposed ordinance to the Council, Mayor and visitors.

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

WHEREAS, Fourth Leaf, LLC sold to Womack Leasing LLC, by Deed of Conveyance dated April 9th, 2004 and recorded in the Carter, Kentucky Clerk's Office, Official Record 123, Page 628, certain real estate located between Carol Malone Blvd and Rupert Lane, in the City of Grayson, Kentucky, but retained a certain roadway across the property connecting Rupert Lane to Carol Malone Boulevard;

Visitors speaking for and against the ordinance

Bill Woods,

As a representative of 4th Leaf, LLC asked the council not to proceed with this ordinance. He stated things have changed since they first approached the council. He asked the council to consider completing the action under the Eminent Domain act. His feelings on the matter are the Council should fairly compensate he and his brother for the monies they spent on the area in question. He stated the road has not been unrestricted over the years. But this has not been done for some time.

He said as owners of the roadway in question, everyone that lives in that area and in the meeting room have his permission to use the roadway anytime as a shortcut.

Jeff Scott

As the attorney for 4th Leaf LLC, asked if a deed would be in order for this action. City Attorney Reid Glass stated the KRS did not require such deed if the roadway in question has been used publicly for 5 consecutive years. Attorney Scott asked if this action was being taken for the purpose of easier access for a possible Wal-Mart. Attorney Glass stated the area in question meets the city ordinance for street requirements. The plat states the width of 40 feet. Mr. Scott urged the council to do the proper act and take in the roadway by the eminent domain act.

Will Wilhoit

As the attorney for Johnson & Goebel, land developers who are seeking to develop what is formally known as the Charlie Horton farm. He stated he could remember at time when his clients were wanting the area in question closed and Mr. Woods was wanting the area opened up. Mr. Woods responded "Just back to the motel"

Attorney Wilhoit gave council a brief history of the area between North Carol Malone and Rupert Lane.

In March of 1999, Tom Womack (Mr. Wilhoit's client at that time) received a letter from 4th Leaf requesting Mr. Womack to remove a fence that was forbidding access from the Farmer's Hardware Lot to Rupert Lane. Mr. Womack denied the request. 4th Leaf did it anyway.

In September 1999, they began digging out the tile in between Rupert Lane and the Farmer's Hardware Lot, building the bridge (for lack of a better term) to cross over to that lot. He believed somewhere around 2000 the roadway was opened up. Since 2000 the road has been opened. As far as he knows he has not seen any road blocks denying access.

There was a lawsuit between Tom Womack and 4th Leaf. The lawsuit was resolved in 2004 with this deed. The deed states Womack Leasing purchased the bulk of the Farmers Hardware Lot from 4th Leaf, but 4th Leaf retained the roadway described. The 1st page of the deed states "there is accepted from and not included within the conveyance that certain roadway constructed or to be constructed across the fore described premises as more particularly described in exhibits 1 & 2. 4th Leaf agrees to maintain this roadway until such time as saying may be dedicated to and or accepted by the City of Grayson as a city road."

This deed was prepared by 4th Leaf, LLC attorney.

Attorney Wilhoit did confirm his client was in negotiation with Wal-Mart and Interstate Drive is the 1st choice location. The benefits to the city will be:

- Repave all of Interstate Drive
- Repave Rupert's Lane from Farmer's Lot extending to Interstate Drive, with curbing included.
- This will be done at no cost to the city
- 300 to 400 jobs
- Business tax alone will be over \$100,000.00
- Property and Occupational Tax

The intention is to build a 150,000 square foot main building, with a 25,000 square building for various shops. He expressed this would encourage more businesses to come to the city.

The Department of Transportation has been contacted about the installation of traffic lights on N. Carol Malone Blvd, across from McDonald's and Farmer's lot. A light at Arby's will not be approved due to semi-tractor traffic, causing traffic hazard.

Mr. Wilhoit said an option B is located outside the city limits. This will be if the roadway will not be accepted.

Maryann Johnson

Maryann Johnson, wife of a partner of Johnson & Goebel addressed the council. She understood the responsibility of the council members, as her mother sat on Council for several years. Their vote is not a vote for an individual person; it is a vote for the citizens of the community.

Ed Woods

Ed Woods wanted the city to understand he is not anti-competition, believing in free enterprise. He doesn't feel it is right for the city to take the roadway from him and giving it to his competition.

Reid Glass

Attorney Glass stated KRS 82.A, a person can offer a roadway to the city to dedicate.

Bill Woods

4th Leaf, LLC has just spent \$130,000 in blacktop on the area of discussion. He doesn't want the traffic next to the motel. He personally has blocked off the passage 1 time a year for the last ten years.

Jack Harper

Mr. Harper had lived on Rupert Lane for 30 years. He has never seen a road block since he has lived there.

By taking in the roadway, the city will have more control over the traffic flow.

Mayor Steele

Mayor Steele several serious issues have been dealt with over the past 5 years of his office by he and the council. He felt the city has no choice but to make decisions that will better the city and all of its citizens.

He does not want this city to suffer like some communities in the area.

Brian & Tabitha Welch

Owners of the local pool and supply store addressed the council. Mr. Welch has been in business for 10 years on Robert and Mary Ave. He stated he understood if Wal-Mart comes to town he will lose pool supply sales but this town needs jobs. Due to gas prices, people cannot afford to drive to Huntington to work a min. paying job. Wal-Mart would bring jobs, revenue for the city which will help the community.

Tabitha Welch said to use Wal-Mart to the city's advantage. Create an environment for the youth. This community is dying to drugs. We must take control and help the youth.

Ed Woods

Ed asked the council to go to CNNBC website and view the segment on Wal-Mart. The economist at the end of the segment, who was on the fence with the pros and cons of a Wal-Mart in a community.

Jeff Scott

Attorney Scott made the comment the deed was to settle a lawsuit with Tom Womack, which has lost the land in foreclosure, with 4th Leaf purchasing the land on the courthouse steps in the past year.

He expressed concern why the city will take this roadway in and not a subdivision roadway in earlier years. Mr. Glass stated the subdivision roadway was not brought up to standards of the city street ordinance. This current roadway does meet the standards and meets the 5 year clause.

Accepting the 1st Reading

Motion: To approve the 1st reading of the ordinance as read by Attorney Reid Glass

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.

Councilman Suttles stated he was denied a right to speak and voted no.

Councilman Stamper explained to the 4th Leaf owners, his vote is not against either of them but what is best for the city. Councilman Harper concurred.

Duane Suttles

The discussion tonight is not a vote for or against Wal-Mart, because all would agree jobs are needed. He did not want it misinterpreted that his vote is against those things. Councilman Suttles felt it is inappropriate to forcibly taking of property without compensating the owners. This city cannot afford to buy that. He felt there are interested parties that could make a reasonable offer. The city should exhaust all options on the table. This was quick and has not time to digest all the information. He needed concrete documentation to prove Wal-Mart is coming.

2ND Reading of the Ordinance

Mayor Steele will set the date next week for the 2nd reading and send out an agenda.

Adjourn

Motion: To adjourn, **Action:** Adjourn, **Moved by** Terry Stamper, **Seconded by** Jack Harper.

Motion passed unanimously.


George Steele, Mayor

ATTEST:



Cindy Stratton, City Clerk