

**MINUTES  
LAGRANGE CITY COUNCIL  
JUNE 5, 2017**

**CITY OFFICIALS PRESENT** Joe Davenport, Mayor and Stephanie Cooper, City Clerk.

**COUNCIL MEMBERS PRESENT** Trey Kamer, Stephanie Chalfant, Ann Zimlich, Tad Humble, Jean Knight, Shannon Pottie and Jason Taylor. Debbie Pollard was absent.

Steve Emery was present.

Mayor Davenport called the meeting at 6:32 p.m.

**APPROVAL OF MINUTES FOR MAY 1, 2017 MEETING**

Councilwoman Zimlich made motion to approve minutes for May 1, 2017 meeting, second by Councilwoman Chalfant. The motion in favor of passed unanimously, 7 to 0.

**APPROVAL OF MINUTES FOR SPECIAL MEETING MAY 23, 2017**

Councilman Humble made motion to accept minutes for May 23, 2017 special meeting, second by Councilwoman Pottie. The motion in favor of passed unanimously, 7 to 0.

**MAY 2017 FINANCIAL REPORT** Councilman Humble made motion to accept financial report, second by Councilwoman Chalfant. The motion in favor of passed unanimously, 7 to 0.

**MAYOR'S OPEN REMARKS** None

**PUBLIC COMMENT** None

**LAGRANGE CROSSROAD DISTRICT REPORT** Karen Eldridge did a monthly report on past and future events.

**LAGRANGE UTILITIES REPORT** Ted Chisholm did a monthly report.

**OPEN SEALED BIDS FOR PROPERTY AT 100 POPLAR ALLEY**

Did not receive any bids for property.

**CODE ENFORCEMENT OFFICER TOM HAUS/Hearing on Chapter 155: Unsafe Buildings**

**Tom Haus**-On May 2 I was contacted by Detective Shannon Cunningham of the LaGrange Police Department, he had some concerns about a property he recently served a search warrant on as we discussed property he shared photographs with me I realized this property was in violation of numerous City ordinances. If you notice in the section of code violation citation, "Dear Property Owner" I determined that LaGrange City Ordinances 155.01, 155.02, 155.15, 155.16, 155.17, 155.18, 155.24, 155.25 and 155.27 were in violation now these are the violations I focused on but those aren't this citation is not limited to those.

**Steve Emery**-Mr. Haus what is the address and home owners name?

**Tom Haus**-Home owner is Stephen and Michelle Kasey, 1618 Cedar Springs Court and that home owner is listed in PVA.

**Steve Emery**-Was there a lien determined to be on property?

**Tom Haus**-Yes, there is a lien against property, it's held by USDA Rural Development out of Lexington, Kentucky so it's a government FHA loan.

**Steve Emery**-Were there any private liens against property?

**Tom Haus**-Numerous private liens against property.

**Steve Emery**-Does any of them large liens that you can recall?

**Tom Haus**-Yes, there are large liens approaching \$830,000.

**Steve Emery**-Thank you.

**Tom Haus**-I would like to walk through each of the violations with you. Feel free to ask me at any time any questions you might have. I've got photographs that were provided to me that were taken during search warrant.

**Steve Emery**-Officer Haus before we do that do we know if the parties were served with notice of this hearing.

**Tom Haus**-Yes, they were served. Mr. Kasey was served in the Oldham County Jail. If you turn to the fourth page of complaint, he signed a receipt that he was served. I sent the other two complaints to Michelle Kasey at her address in Campbellsville and that was signed for by certified mail and the one went to USDA that was also signed for and I've got receipts for those. I'm going to start out with the first three paragraphs 155, the Kentucky Building Code. (See attached Code Violation Citation). Photograph 02a, this is a sink in one of the bathrooms, there hasn't been running water for seven months; Photograph 02b again no running water in this house for seven months and there are people living there; 155.24 photograph 01a you can see this fixture up in the corner. There are wires running out of it to light. Photograph 01b you can see wires hanging out of ceiling and that was obviously candle light at one point. Here is another hole in the ceiling with wires hanging out with extension cord draped across the room that was used to power other things in the home. Photograph 012 this is in the kitchen you can see the vent hood has been knocked off wires hanging loose; you have an open outlet over here. That's not the code either, 155.25 (F) I know based upon personal inspection of the property this has been like this for about six months that I know of. (H) You can see the window up here on corner of house is broken out (K)Hardware(03a) picture of front door from inside, no hardware on it, can't be closed and sealed, did have a board across it to keep from people getting in. (P) (1) Interior floor, walls and ceilings. See attachment for photographs. 155.27 I have notified him numerous times personally about trash. I had to notify the owners and all interested properties of my intent in the fact that I declared this house through my investigation to be unfit for human habitation. What I am asking from City Council is your concurrence that this house is unfit for human habitation and then you can make the disposition on what you would like to happen with it. Steve has been kind enough to draw up a form that all I need from you is for you to fill this out and let me know what our next steps are.

**Steve Emery**-At this point we need to see if anyone is here on behalf of the respondent to the complaint. Are Mr. or Mrs. Kasey present? Not present. Are there any lienholders or mortgage holders present? Not present. If not than we can now hear from interested parties who may have a stake in the outcomes here. Is there anyone present in the outcome of this hearing? **Sworn** in Lois Forgy, 1604 Cedar Springs Ct, would like to see it cleaned up and concerned about safety. **Sworn** in Lori Ryan, 1626 Cedar Springs Ct, would like to see house gone.

**Steve Emery**-If there is no one else to make a statement Mr. Haus would you mind making a concluding statement and asking Council what you are providing the Council what your recommendation is with the respect to the instructions.

**Tom Haus**-As I said in my investigation has determined that this property is unsafe and unfit for human habitation as it stands now. I would like the concurrence of the City Council that is the case. For our complaint procedure, you have several options you can demand that the property owner repair property within a certain time frame, you can order that the house be closed and/or demolished so the decision is going to be yours. My recommendation is at this point to just concur with my recommendation that this house is unfit for human habitation. At least give him 30 days to make repairs and we'll take it

from there. Our procedure gives the option for property owners to appeal this. I want to make sure we do everything correctly. Steve has given you some guidelines that are in the packet but I need a written statement from City Council.

**Steve Emery**-Officer Haus do you recommend that property be vacated?

**Tom Haus**-I recommend that property vacated

**Steve Emery**-Do you recommend that the property be demolished if repairs not made?

**Tom Haus**-Yes

**Steve Emery**-And do you recommend that the property be closed until that time should occur?

**Tom Haus**-Yes

**Steve Emery**-And is there a reason why you're making a 30-day recommendation to repair or alter to improve structure.

**Tom Haus**-I picked 30 day

**Steve Emery**-But it doesn't have to be 30 days?

**Tom Haus**-No, it does not have to be 30 days

**Steve Emery**-And are you asking them to adopt the findings that you cited in your complaint?

**Tom Haus**-Yes

**Steve Emery**-And your letter to Mr. Kasey and Mrs. Kasey?

**Tom Haus**-Yes

**Steve Emery**-And are you able to admit into our records a copy of all these photographs so Stephanie can keep record of that?

**Tom Haus**-Yes

**Steve Emery**-Are there any questions from Council for Mr. Haus?

**Councilwoman Zimlich**-So I want to understand that Mr. Kasey is not currently residing in the house?

**Tom Haus**-Correct

**Councilwoman Zimlich**-And neither is Mrs. Kasey?

**Tom Haus**-Correct

**Councilwoman Zimlich**-And how long have they not been residing in the house?

**Tom Haus**-I don't know about Mrs. Kasey but Mr. Kasey has not been residing there since April 28

**Councilwoman Zimlich**-You showed the electrical violations but the water has been turned off, do they actually have electric in the house?

**Tom Haus**-Yes

**Councilwoman Zimlich**-And how long have they lived in that house?

**Tom Haus**-Deed was entered 12<sup>th</sup> day of September 1996

**Councilman Taylor**-Is anyone living there at all?

**Tom Haus**-No, I will tell you that since I sent the letter to mortgage holder they retained a property management company, they came out and boarded up broken windows, they put sign in windows that said please don't use the plumbing and put a padlock on front door. When I talked to a representative from mortgage company I said does this mean that Mr. Kasey or Mrs. Kasey cannot come back to the property they said they can't prevent that until we get a judgement. I will let you know that it is in foreclosure proceeding but since it is a FHA loan it's going through federal foreclosure court and we won't see it at the local master commissioner level. It could take up to a year for that foreclosure to occur.

**Councilwoman Zimlich**-If the Council decides to proceed with tearing it down do we have to wait for the mortgage company go through all their legal.

**Tom Haus**-I really don't know the answer to that

**Steve Emery**-The answer to that is no. In fact, that is why we had to inform the mortgage company that we were proceeding as we are tonight and that there will be an appealable order issued from this matter.

**Councilwoman Zimlich**-They can appeal our decision if they decided there was some value in not tearing down.

**Steve Emery**-Yes. Everybody with a stake has an opportunity to appeal the order. We'll need to deliberate because there is no exception in open meetings law concerning that we're going to deliberate in open and you all get to speak among yourselves and you'll need to make a determination about how you'll complete the instructions here if you choose to move forward on with Officer Haus recommending. Discussion among City Council. Councilwoman Pottie made motion for the structure under consideration is unfit for human habitation, occupancy or use according to the standards adopted under Chapter 155, second by Councilman Kamer. Mayor Davenport does a roll call vote on motion: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0. Councilwoman Chalfant made motion based on case #17-0019 on the Code Violation Citation and testimony provided by Tom Haus and his findings in citation reference to property 1618 Cedar Springs Ct, we have determined the property structure listed above unfit for human habitation. Steve Emery asked are you also going to rely the exhibits that were provided to you this evening and Councilwoman Knight so moved and Councilwoman Zimlich second. Mayor Davenport does a roll call vote on motion: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0. Councilman Humble made motion to improve structure, where it would be fit for habitat within 30 days and if not it would be demolished under KRS Chapter 424 they have 30 days to appeal so that's why I used the 30 days, second by Councilwoman Knight. Councilman Taylor want to clarify and amend Councilman Humble motion, City Council hereby orders that the structure under consideration is to be vacated and demolished after the appropriate appeal period has passed, second by Councilwoman Knight. Mayor Davenport does a roll call vote on motion: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0. Councilwoman Zimlich made motion to authorize Mayor to sign this order, second by Councilman Kamer. Mayor Davenport does a roll call vote on motion: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0.

**SECOND READING AND PUBLIC HEARING OF ORDINANCE 4-2017 – AN ORDINANCE ADOPTING THE CITY OF LAGRANGE ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2017 THRU JUNE 30, 2018**

Steve Emery, City Attorney, read Ordinance 4-2017 for second reading and public hearing. Councilman Humble made motion to accept Ordinance 4-2017, second by Councilwoman Zimlich. Councilman Humble made motion to go into public hearing, second by Councilwoman Zimlich. The motion in favor of passed unanimously, 7 to 0. No comment. Councilman Humble made motion to go out of public hearing, second by Councilwoman Chalfant. The motion in favor of passed unanimously, 7 to 0. Discussion among City Council. Mayor Davenport does a roll call vote: Taylor-no, Chalfant-yes, Pottie-no, Kamer-no, Knight-no, Zimlich-yes and Humble-yes. The motion for Ordinance 4-2017 did not pass. 4-no to 3-yes.

**SECOND READING AND PUBLIC HEARING OF ORDINANCE 5-2017 – AN ORDINANCE ADOPTING ANNUAL MUNICIPAL ROAD AID BUDGET FOR FISCAL YEAR JULY 1, 2017 THRU JUNE 30, 2018**

Steve Emery, City Attorney, read Ordinance 5-2017 for second reading and public hearing. Councilwoman Chalfant made motion to accept Ordinance 5-2017, second by Councilwoman Pottie. Councilman Kamer made motion to go into public hearing, second by Councilwoman Zimlich. The motion in favor of passed unanimously, 7 to 0. No comment. Councilman Kamer made motion to go out of

public hearing, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. Discussion among City Council. Mayor Davenport does a roll call vote: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0.

**SECOND READING AND PUBLIC HEARING OF ORDINANCE 6-2017 – AN ORDINANCE ADOPTING ANNUAL CITY BUS BUDGET FOR FISCAL YEAR JULY 1, 2017 THRU JUNE 30, 2018** Steve Emery, City Attorney, read Ordinance 6-2017 for second reading and public hearing. Councilman Humble made motion to accept Ordinance 6-2017, second by Councilwoman Knight. Councilman Kamer made motion to go into public hearing, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. No comment. Councilman Kamer made motion to go out of public hearing, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. Discussion among City Council. Mayor Davenport does a roll call vote: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0.

**SECOND READING AND PUBLIC HEARING OF ORDINANCE 7-2017 – AN ORDINANCE ADOPTING ANNUAL ALCOHOL REGULATORY FEES BUDGET FOR FISCAL YEAR JULY 1, 2017 THRU JUNE 30, 2018** Steve Emery, City Attorney, read Ordinance 7-2017 for second reading and public hearing. Councilman Kamer made motion to accept Ordinance 7-2017, second by Councilwoman Zimlich. Councilman Kamer made motion to go into public hearing, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. No comment. Councilman Kamer made motion to go out of public hearing, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. Discussion among City Council. Mayor Davenport does a roll call vote: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0.

**SECOND READING AND PUBLIC HEARING OF ORDINANCE 8-2017 – AN ORDINANCE ADOPTING ANNUAL STORM WATER MS4 BUDGET FOR FISCAL YEAR JULY 1, 2017 THRU JUNE 30, 2018** Steve Emery, City Attorney, read Ordinance 8-2017 for second reading and public hearing. Councilman Kamer made motion to approve Ordinance 8-2017, second by Councilwoman Chalfant. Councilman Kamer made motion to go into public hearing, second by Councilwoman Chalfant. The motion in favor of passed unanimously, 7 to 0. No comment. Councilman Kamer made motion to go out of public hearing, second by Councilwoman Chalfant. The motion in favor of passed unanimously, 7 to 0. Discussion among City Council. Mayor Davenport does a roll call vote: Taylor-yes, Chalfant-yes, Pottie-yes, Kamer-yes, Knight-yes, Zimlich-yes and Humble-yes. The motion in favor of passed unanimously, 7 to 0.

**OLD BUSINESS/NEW BUSINESS** Councilman Kamer announced no ordinance committee meeting for the month of June and scheduled the next ordinance committee meeting for July 26, 2017 at 5:30 p.m. in City Hall.

**EXECUTIVE SESSION – 61.810(b) DELIBERATIONS ON FUTURE ACQUISITION OR SALE OF REAL PROPERTY BY A PUBLIC AGENCY** Councilman Kamer made motion to go into executive session, second by Councilman Humble. The motion in favor of passed unanimously, 7 to 0. Councilman Kamer made motion to go out of executive session. The motion in favor of passed unanimously, 7 to 0. Councilman Kamer made motion for Mayor Davenport to list 105

Poplar Alley with a realtor and authorize to sign listing agreement, second by Councilwoman Pottie. The motion in favor of passed unanimously, 7 to 0.

**ADJOURN** Councilman Kamer made motion to adjourn at 8:39 p.m., second by Councilwoman Chalfant and Councilman Humble. Motion in favor of passed unanimously, 7 to 0.

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JOE DAVENPORT, MAYOR

ATTEST:

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STEPHANIE COOPER, CITY CLERK