

CITY OF PEWEE VALLEY
MINUTES OF SPECIAL MEETING
JANUARY 16TH, 2019

A special meeting of the city council was held on January 16th, 2019. In attendance were Mayor Bob Rogers, Council Members Bethany Major, Paige Bjorn, Norman Schippert, Rex Florence and Michele Pisano were in attendance. In attendance was City Attorney John Singler, who Mayor Rogers appointed to record the minutes in absence of the City Clerk, who was out sick. In attendance was City Engineer Steve Emly to discuss his finding relating to the possible acceptance of Rest Cottage Lane as a city street. More than 25 residents of Rest Cottage Lane also attended.

Mayor Rogers called the meeting to order at 7:00 P.M. and explained that this special meeting was called to discuss request from residents of Rest Cottage that the City accept Rest Cottage Lane as a regular public street of the City. Mayor Rogers called upon the residents in attendance to make any Open Comments they might have, prior to the Council discussing the matter.

Neal Webster stated that he disagreed with the conclusion that the City had not already accepted Rest Cottage as its roadway. However, Webster said he agreed with the recommendations of Engineer Steve Emly in his report to the City on the need for upgrades to Rest Cottage. Webster does disagree with the need for a turnaround at the end of the road and idea that the residents of Rest Cottage should contribute to the cost of the upgrades, because that is what their property taxes are supposed to pay for.

Jim Allison questioned the locations of the core sampling of the roadway. If they were taken from the center, that would not show whether the shoulders of the road had an adequate base.

Don Helton said that he was a member the Pewee City Council when this issue had come up in the past. Public access to Rest Cottage is not the issue. The issue is that it takes both public dedication of the road and acceptance of that public dedication to make Rest Cottage part of the City of Pewee road system. Pewee never accepted Rest Cottage because it was built in a substandard fashion. Helton lives on Dogwood and states that Dogwood residents were assessed money to bring Dogwood up to standards before it was accepted as a city road and Rest Cottage residents should be no different.

Steve Thompson discussed a drainage culvert that crosses Rest Cottage and he expressed his opinion that this culvert needs to be improved to make sure the road is not eroded by rain events. Mr. Thompson said the cost of that improvement might be \$50,000.00.

The Mayor then discussed the work done to date, including the evaluation of the condition of the roadway by Engineer Steve Emly. The Mayor believes the council should follow the recommendations of the engineer's report and he called on Emly to make a short presentation.

Steve Emly passed out a handout showing the minimum roadway standard from five surrounding counties and comparing them to his recommendations for Rest Cottage. All the standards are similar and they all require much more upgrading than has been recommended. Emly stated that the minimum upgrades he has proposed are very generous, but provide an adequate level of safety, given the low volume of traffic and

low speed. The recommendations provide a reasonable compromise and include adding pull-offs, additional right of way dedication and a turnaround at the end. He also addressed Mr. Allison's concern about the core sampling of the road.

Emly then addressed many questions from the City Council members about the five recommendations that he made as conditions for the City accepting the road. There was much discussion concerning the need for the turnaround and whether the turnaround could be built within the existing 60 foot right of way. There was a great deal of questions and comments on whether the City should require a financial contribution from the Rest Cottage residents as a condition for the acceptance of the roadway.

After a lengthy discussion, City Attorney John Singler, directed the council to the Municipal Order he had prepared for the meeting. Singler stated that the City had a process to get to the meeting tonight and achieve a result. The City met with all the residents and received their comments. The City also hired Emly to examine the road, make recommendations to the council on minimum upgrades required prior to the City's acceptance. All that information and background is now provided at this meeting to allow the city to make an informed decision based on objective facts. The Municipal Order is the next step in the process. The Municipal Order does not accept the road, it simply determines that the City would accept Rest Cottage once the five conditions stated in Emly's report are completed. The final acknowledgement of the final acceptance would be an ordinance stating that the conditions of acceptance have been completed and that Rest Cottage is now part of the City of Pewee Valley's roadway system.

Singler suggested the City approve the Municipal Order by taking a separate vote on each of the five conditions in the Municipal Order. That way, the council can work examine each issue in detail and perhaps reach a conclusion.

Mayor Rogers read out the first condition on the Municipal Order, which requires additional pull offs near the entrance. Rex Florence made a motion to approve section 1 of the Municipal Order, the motion was seconded by Bethany Major and the vote in favor was unanimous.

Mayor Rogers read out the second condition on the Municipal Order, which requires the overgrown trees to be cut back along Rest Cottage. Bethany Major made a motion to approve section 2 of the Municipal Order, the motion was seconded by Rex Florence and the vote in favor was unanimous.

Mayor Rogers read out the third condition on the Municipal Order, which requires a turnaround at the end of Rest Cottage. After much discussion, it was proposed that the turnaround must be built within the existing 60 foot right of way. Michele Pisano made a motion to approve Section 3 of the Municipal Order with the language changes, the motion was seconded by Paige Bjorn and the vote was 4 in favor, Norman Schippert voted no.

Mayor Rogers read out the fourth condition on the Municipal Order, which requires additional right of way to be dedicated. Since the turnaround will be built in the existing right of way, there is only one area where additional right of way should be dedicated, which is near the entrance. Rex Florence made a motion to approve Section 4 of the Municipal Order with the language changes, the motion was seconded by Paige Bjorn and the vote in favor was unanimous.

Mayor Rogers read out the fifth condition on the Municipal Order, which requires a financial contribution to the actual cost of the road upgrades by the residents of Rest Cottage. After much discussion, it was proposed that the Municipal Order should state that the City would hold the contribution of the Rest Cottage residents in escrow and only accept Rest Cottage by ordinance once all the contribution was accepted. It would be up to the residents to organize who pays and how much and the City would not be part of that discussion or process. There was much discussion about the amount of the contribution. Michele Pisano made a motion that the contribution of the Rest Cottage residents should be set at 50% of the actual cost of the upgrade, which shall be the final contract price of the upgrades after bidding the project, with a five percent contingency built into the contract to cover any cost overruns. The motion was seconded by Bethany Major and the Mayor called for a role call vote. Rex Florence, Bethany Major and Michele Pisano votes in favor and Norman Schippert and Paige Bjorn voted no. The motion passed.

With no further business to come before the council Rex Florence made a motion to adjourn the meeting, seconded by Bethany Major and the vote in favor was unanimous at 9:10 p.m.

Bob Rogers, Mayor

John Singler, Attorney for the City of Pewee Valley