

MINUTES

THE COMMON COUNCIL

December 16, 2019

6:30 P.M.

THE REGULAR MEETING OF THE COMMON COUNCIL FOR THE CITY OF CHARLESTOWN WAS HELD ON MONDAY, DECEMBER 16, 2019 AT 6:30 P.M. AT CITY HALL WITH MAYOR G. ROBERT HALL PRESIDING.

Council members present were: Ted Little, Brian Hester, Tina Barnes, John Cox and Mike Vaughn. Also present were Clerk Treasurer Donna Coomer and City Attorney Michael Gillenwater.

Pledge

Ted Little

Invocation

LC McCawley

Agenda

Mayor Hall asked for approval on the agenda.

Councilman Little made a motion to approve the agenda, seconded by Councilman Vaughn. Approved 5-0.

Minutes, Claims and PR Voucher

Councilman Hester made a motion to approve the Minutes, Claims and PR Voucher from 11/29/2019 to 12/08/2019, seconded by Councilman Cox. Approved 5-0.

Public Comment

None

Resolution 2019-R-20

A Resolution authorizing intervention in the Pleasant Ridge Lawsuit.

Councilman Little made a motion to approve Resolution 2019-R-20, seconded by Mr. Vaughn. Approved 4-1, with a nay vote by Councilwoman Barnes.

Discussion ensued

City Attorney said several years ago the city was named as respondent in a lawsuit that was filed by the Pleasant Ridge Neighborhood Association and its residents. The lawsuit seeks an injunction that affects the way the city enforces its Ordinances relating to the Property Maintenance Code (PMC). The court of appeals rescinded the Property Maintenance Code because it and the Unsafe Buildings Law were supposed to work together. The city has not adopted a new PMC. The trial for the lawsuit was postponed back in November. The judge is going to have a pretrial conference and reschedule the hearings. The lawsuit could affect the rights of the City Council. The trial procedure allows a party to intervene in a legal case when their rights could be effected. Their interest may not be represented by other parties. The Councils right to pass Ordinances and Resolutions, fix penalties and fines are affected by the Pleasant Ridge Neighborhood Lawsuit and the Council should be involved in the lawsuit. The court proceeding in this case would as practical matter, impair or impede the City Councils ability to protect the interests of the Council. The Council believes it's in their best interest to intervene in the lawsuit.

Councilman Hester asked if this would set a precedence five or ten years down the road making sure we would have a seat at the table. City Attorney said no, it is for this lawsuit only. The plaintiff has requested a permanent injunction to affect the city permanently in the way things are done. This will affect ordinances and penalties. Councilwoman Barnes asked why was this not left for the new Council coming in at the first of the year. City Attorney said because there is a pretrial conference Friday. This will alert the judge that if the plaintiffs try to do something unfavorable. The judge can ask if the Council's rights are going to be affected. Then he gets assurances that he is not being asked to do anything to affect the Council's rights. The council should decide what ordinance is followed and any fines. This is up to the Council as they are the legislative body. Mayor Hall said he is in favor of this Resolution and recommends the Council pass it.

Resolution 2019-R-21

This Resolution approved funding for expenditures from the Capital Trust Fund.

Payment to Clark Nickles	\$252,000.00
Payment to Pleasant Ridge Lawsuit	\$100,000.00
Payment to Bethany Road Agreement	\$220,739.00
Law Offices of Mike Gillenwater	\$49,440.55

Councilman Cox made a motion to approve Resolution 2019-R-21, seconded by Councilman Little. Approved 5-0.

Mayor Hall addressed the Lawsuit Settlement on the landlords he said the federal case where the landlords sued the City last week. The settlement was pushed by the insurance company and they paid 1.2 million to the Plaintiffs, the developer paid \$215,000.00 and the city paid \$100,000.00 which paid all the lawsuit. The insurance company sent the city \$150,000.00 to cover the expenses on the remaining lawsuit. There will be bills from mediation from the federal lawsuit.

Mayor Hall said he was hoping all the documents would be back from the attorneys and ready to sign. They were not back but will be signed after first of the year. The insurance settled because it would cost more to continue it.

Ordinance 2019-OR-20

The Plan Commission held a public hearing and sent a recommendation approving the planned unit development in Danbury Oaks. Councilwoman Barnes asked about getting a copy of the ordinance. City Attorney said after the first Plan Commission meeting the Council takes a vote to accept the Plan Commission’s recommendation. The Plan Commission is an advisory board. The Council can approve or reject any zoning changes. If its approved, then the Ordinance will be drafted and brought back to the Council and if not, then nothing happens.

Councilman Hester said the Plan Commission made a great presentation and the developers will address the traffic concerns and especially the safety of children on Balmer Lane. Also the lighting and a turning lane from Highway 403. Councilman Cox said he lives in Danbury Oaks and talked about how many residents are excited about the growth.

A motion was made by Councilman Hester to approve Ordinance 2019-OR-20 on the first reading, seconded by Councilman Cox. Approved 5-0.

Mayors Update

Mayor Hall said this will be his, Ted’s and Ms. Barnes last Council meeting. The recount did not change the outcome and we sent a press release today conceding the election. Mayor Hall said he wishes the Council and new administration good fortune and hopes Charlestown moves ahead. No one wins if Charlestown doesn’t prosper. Six years ago he has always said “see what the city does, not what they say we are doing.” We held the landlords accountable and slum houses were torn down. The drugs and police calls went down dramatically. We did not put anyone out of their home, nor go in anyone’s home and inspect it, like we were accused of, we did not do any of that.

Mayor Hall said he wants to thank Clerk Treasurer, Donna Coomer for all she has done and she may never get the recognition she deserves for her services. She has done so much outside of her job. He also wants to thank his staff for all the team work they have done.

Adjournment

Councilman Little made a motion to adjourn, seconded by Councilman Cox. Approved 5-0.

MAYOR, G. ROBERT HALL

DATE

ATTEST:

CLERK TREASURER, DONNA S. COOMER

DATE