January 8, 2018

The Common Council of the City of Glasgow, KY met in regular session on Monday, the 8th day of January, 2018 at 7:00 p.m. in the Council Chambers with the following persons present:

HONORABLE MAYOR: Dick Doty

COUNCIL MEMBERS: Jake Dickinson
                  Patrick Gaunce
                  Brad Groce
                  Stacy Hammer
                  Greg Harris
                  Wendell Honeycutt
                  Marna Kirkpatrick
                  Chasity Lowery
                  James Neal
                  Freddie Norris
                  Gary Oliver - absent
                  Marlin Witcher

There being a quorum present, the Mayor declared the meeting open for business.

Pledge of Allegiance

Council Member Chasity Lowery opened the meeting with a prayer.

Council Member Patrick Gaunce asked the Mayor and Council for time if he is not out of order. Mayor Doty told him sure. Council Member Gaunce said he thinks it is important, being their first meeting of 2018. Council Member Gaunce said in his opinion, the Legislative body, have wasted a lot of energy and time in the Council over the past year. Council Member Gaunce said they have taken action on things that most of them didn’t completely understand but ignored any explanation from those that did. Council Member Gaunce said that when one legal opinion didn’t suit them, they wasted money in hopes they would get a different one. Council Member Gaunce said they have bullied people, City agencies, City employees and those that didn’t agree with them. Council Member Gaunce said they have allowed themselves to be swayed by online bullies with the constant threat of social media backlash. Council Member Gaunce said this whole time, he really believes, whether or not they agreed as a Council on any issue, at the end of the day, they were all doing what they felt was best for the City. Council Member Gaunce said that he will admit he is not the best speaker, but every time he has spoken, in this meeting or anywhere else, it has always been based on what he felt was the right thing to do. Council Member Gaunce said he is not trying to call an individual Council Member out. Council Member Gaunce said if he wanted to do that, he would ask that they go around the room and let everyone know which committees they are on and on how many of those meetings they attended in the past year and how much work that each has done before the meetings to be prepared. Council Member Gaunce said the bigger issue is that the actions taken by this Council are a reflection of all of them and of the body as a whole. Council Member Gaunce said as a
Legislative body, they absolutely cannot allow decisions to be based on whether or not they like someone. Council Member Gaunce said they have thrown around the terms malfeasance and misfeasance enough. Council Member Gaunce stated it sounds like to him that bird has come home to roost. Council Member Gaunce asked what message that sends to the community. Council Member Gaunce asked what kind of workplace does that create for City employees. Council Member Gaunce said considering the links this Council has gone to in the past year, some, that not only condone bullying but have participated in it, like it or not, it is bordering on harassment and definitely a hostile work environment. Council Member Gaunce stated this past year, they have made hundreds of dollars an hour, and there are some of them that have never attended their committee meetings. Council Member Gaunce said more than once, committee meetings have been rescheduled because they can’t even get a quorum. Council Member Gaunce said they have spent this entire year as a Council, a lot longer than that probably, trying to do someone else’s job and ignoring what they are supposed to be doing. Council Member Gaunce said they have people tuned in right now watching this meeting purely for entertainment. Council Member Gaunce said this next year and every year after that, for that matter, let’s give our City and our citizens something to be proud of. Council Member Gaunce said let’s leave this place a little better than they found it. Council Member Gaunce said let’s hold each other accountable for their actions and make sure their own front porch is clean before they try and clean on someone else’s. Council Member Gaunce said he is not looking for any response. Council Member Gaunce said he needed to say that as part of this body.

MINUTES OF COUNCIL
MEETING ON 12-11-17

MOTION was made by Council Member Kirkpatrick for the approval and adoption of the 12-11-17 Council Meeting minutes
SECOND was by Council Member Hammer
VOTE unanimous approval of the Council present

DIRECTOR EDDIE FURLONG TO ADDRESS THE COUNCIL TO GIVE AN UPDATE ON THE PARKS AND RECREATION MASTER PLAN

Furlong said he talked to Brandstetter Carroll, Inc. on Friday and today. Furlong stated they have received a portion of the surveys they needed. Furlong said they should be receiving something later this week or the first part of next week on those results. Furlong stated they are in the process of setting up their public meeting and stakeholders meeting, which will take place the second week in February. Furlong said he does not have the specific date or time, but he will have that information within the next two weeks hopefully. Furlong said he distributed to the Mayor and Council a sample with the type of questions that will be asked toward the Mayor and Council. Furlong said he hopes everyone can attend those meetings bringing insight and their thoughts on what they would like to see take place. Furlong said in the second week in February there will be public meetings and stakeholder meetings and the ball should start rolling then. Mayor Doty asked if anyone has any questions. Mayor Doty stated this is a major initiative and he wants to make sure this stays in front of each of them and their constituents so they will be
aware of what is going on when they received that in the mail. Furlong said once the meetings are set, he will need the Mayor and Council’s help on getting the word out to as many citizens as they can.

Council Member Lowery said their first meeting with the Steering Committee went very well. Council Member Lowery said they were there for a little over an hour with a lot of good input into the pros and cons of the parks came out. Council Member Lowery said she thinks it is going to be great working with Brandstetter Carroll, Inc. Council Member Lowery said they were very open to all ideas. Council Member Lowery thanks Eddie Furlong for everything he has put in in getting this together.

**POLICE CHIEF GUY HOWIE TO ADDRESS THE COUNCIL ON THE STATUS OF ENFORCING THE NEW PARKING ORDINANCE**

Chief Howie reminded everyone that when the ordinance was passed, everyone was going to be given ample time to get used to it. Chief Howie said they put out a press release stating through January 1 there would be no enforcement but to be made aware of it. Chief Howie stated between January 1 and January 15, there will be written warnings and then after January 15, they will be issuing citations. Chief Howie said so starting on January 15, citations will be issued. However, they have taken handicapped parking and fire lane parking very seriously. Chief Howie said they have issued quite a few citations for those violations. Chief Howie said they get a lot of phone calls generated about parking complaints on those specific items. Chief Howie said they have been diligently working toward that. There were no questions for Chief Howie.

**CITY ATTORNEY RICH ALEXANDER TO ADDRESS THE COUNCIL REGARDING RECENT FIRST AMENDMENT FREE SPEECH ISSUES**

Mr. Alexander said he knows at least since the Christmas parade this past December, there has been some concern and conversation in the community with respect to free speech in the public forum. Alexander said the Mayor and Council Members have received numerous inquiries and he too has been approached by folks with those same concerns and questions. Alexander said the most basic questions seems to be, can anything be done to deal with this. Alexander said he thought it would be beneficial to take a few moments to address the issue from a legal prospective, but his goal tonight is to keep his analysis as straightforward as possible and not get bogged down in a lot of legal jargon, although some legal theories must necessarily be explained.

Alexander said he will tell you he is certainly no constitutional scholar, but he has spent some time consulting with his colleagues, including attorneys with the Kentucky League of Cities, and he has done a fair amount of research on his own. Alexander said everyone has heard the right of free speech. Alexander said it all starts with the 1st Amendment to the United States Constitution, which says that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or of the right of the people to peacefully assemble and to petition the government for a redress of grievances. Alexander said there is a lot in there to unpack. Alexander stated you
have the freedom of expression of religion, the freedom of speech and the right to assemble. Alexander said all the rights and privileges have been made by the courts to apply to state and local governments under the 14th Amendment to the United States Constitution. Alexander said that says that no state may make or enforce a law that would lessen or curtail the rights granted to citizens of the United States. Alexander said every amendment, every provision to the United States Constitution applies to state and local government under the 14th Amendment.

Alexander said certainly it is not reasonable to claim or argue that the 1st Amendment protects each and every verbal and non-verbal communication. Alexander used the term shouting fire in a crowded theater is not protected by the 1st Amendment and there are other examples. Alexander stated however, there are some speech that garners an extremely high level of protection. Alexander said in terms of content, perhaps the two most protected areas of free speech and expression involve political and religious speech. Alexander said, moreover, he would add that the most protected form or location for espousing those viewpoints is what is called the public forum; government owned and government maintained property, like the Courthouse Square, sidewalks, streets and other public venues. Alexander shared a personal experience he recently had. Alexander stated he walked two miles and estimated from the time he left the car to where he was going, he encountered no fewer than six sidewalk speakers and protesters. Alexander said that each one had their sound amplification devices. Alexander said he is saying this to say we are not the only city that deals with this type of thing. Alexander said the state must allow dialog to continue no matter how noxious or how disagreeable the dialog is. Alexander said only when the social order is drastically threatened is government permitted to publish a speaker. Alexander stated that because this constitution of freedom is so engrained in the fabric of our country’s history, any laws that attempt to limit this freedom are not reviewed by courts under a low level rationality test like most laws. Alexander said instead such laws are subjected to the highest levels of judicial scrutiny.

Alexander said, again, he asks what can be done. Alexander stated unless they are dealing with a form of speech or expression that is categorically excluded from 1st Amendment protection, which is not being dealt with in this particular instance, any government regulation abridging the 1st Amendment protection must be content-neutral and must impose only an indirect burden on the freedom of speech. Alexander said these regulations are often call, Time, Place and Manor restrictions. Alexander said as often done when dealing with constitutional matters, courts engage in what is called a balancing test of competing interest designed to help review the process. Alexander said in these particular cases, the courts have designed a three-part test to determine whether a federal, state or local law impermissibly interferes with the rights guaranteed by the 1st Amendment. Alexander stated the three parts are 1) the regulation must be content-neutral in that it targets some quality other than the substantive expression of the speech, 2) the regulation must be narrowly tailored to serve a significant government interest, and 3) the regulation permits an alternative channel of expression.

Alexander said in his research of these cases which deal with the facts of the subject matter they are concerned with in this community, the court more often than not frown upon and they often strike down as unconstitutional the regulation or law that is being reviewed. Alexander said we now have a sound amplification ordinance in effect now, which seems to be the most common and legally accepted method of addressing these issues. Alexander summarized the ordinance by
saying it shall be unlawful for any person to operate or permit to be operated in the City, any sound amplifying devices or equipment for any purpose whatsoever, whether it be stationary or operated from a vehicle or other carriage unless a permit has been obtained from the City to do so and provided that is shall be unlawful for any person to make any loud or raucous noise to the disturbance of the peace. Alexander also said any person whom a permit is issued under this section, who abuses his or her discretion and causes or permits loud and raucous noises, shall subject the permit to immediate revocation. Alexander said he would add that Kentucky law already prohibits riots, inciting riots, unlawful assembly, disorderly conduct and harassment.

Mr. Alexander said he wants everyone to remember the idea of content-neutral laws. Alexander said that if Glasgow adopts a more robust regulation, it must be applied to all settings, not just what you are concerned about now. Alexander said that would include political events, charitable events, Sustainable Glasgow events, Shindig on the Square events, amplified music being played on Christmas parade floats, holiday music being played over the Courthouse speakers, Classic Car Cruise-Ins, radio stations setting up their broadcast locations during the Christmas parade and the list can really go on and on. Alexander said he wants everyone to consider the timing of any proposed legislation. Alexander said should a piece of legislation be challenged, the purpose and intent behind that legislation is certainly going to become an issue. Alexander said questions like why was the legislation passed, the purpose must be defended and must be content-neutral and if a new regulation is proposed, can it be narrowly tailored. Alexander asked everyone what exactly is the significant government interest the regulation seeks to address. Alexander gave an example of a case that he had read. Alexander said a city adopted an ordinance that prohibited any noise that could be heard from 25 feet away. Alexander said the court struck down that ordinance because it was considered more than is necessary to eliminate the noise. Alexander stated the court said the decibel level of speech that would comply with that ordinance was often lower than the decibel level of the footsteps of a person in high-heel boots, conversation among several people, the opening and closing of a door, the sound of small child playing on a playground or the ring of a cell phone.

Mr. Alexander said he realizes that his example may lean toward the extreme end of the spectrum, but it does illustrate the difficulty in crafting this type of legislation. Alexander asked if it will be too vague or be too overbroad. Alexander asked from a practical standpoint, is it going to be difficult to consistently enforce. Alexander asked about location and why not require speakers to all assembly at the parking structure for instance and let them give their pitch there. Alexander said he would have serious concern about that type of regulation. Alexander asked if this would be a viable alternative channel of expression.

Mr. Alexander asked if he is telling everyone there is absolutely nothing they can do to address, not just this speech encountered at Christmas, but other types of speech in the public forum. Alexander said no, he is not telling everyone that there is nothing that can be done, but as the City’s legal advisor, he cautions the Council as a body not to force the issue with a knee-jerk reaction that might have unintended consequences. Alexander said he will continue to work on this issue, gain more insight and knowledge with regard to this area of law and he gets to the point where he believes, from a legal standpoint there is a viable solution that can withstand constitutional scrutiny, then he will report back to the Council. Alexander said from time to time, he believes it is a good thing to wrap your head around these things. Alexander said
obviously it is a concern for our community.  Alexander thanked Mayor Doty and the Council for giving him these few minutes to express his thought.  Alexander said if anyone has any questions or comments, he will be happy to try to answer those.

ORDINANCE NO. 2017-2910

ORDINANCE ---- 2ND READING ---- ORDINANCE AMENDING ORDINANCE NO. 2017-2902, THE CITY OF GLASGOW ANNUAL BUDGET FOR THE FISCAL YEAR 7-1-2017 THROUGH 6-30-2018 BY APPROPRIATING FROM THE UNAPPROPRIATED SANITATION/LANDFILL FUND $25,000.00 FOR REPAIRS ON A COMPACTOR AND BY APPROPRIATING FROM THE UNAPPROPRIATED GENERAL FUND $21,868.86 FOR THE FOLLOWING; REPAIRS TO WALL AT THE CULTURAL CENTER, HOUSE DEMOLITION AND FOR PASSENGER VEHICLE AND TO RECEIVE $16,868.86 IN INSURANCE MONIES AND DEMOLITION REIMBURSEMENT

A proposed ordinance was presented for the first time and caused to be read for the first time.

MOTION was made by Council Member Witcher for the first reading approval of the Ordinance
SECOND was by Council Member Harris
VOTE Yes – 11 No – 0 AB – 0

Dickinson – yes Kirkpatrick – yes
Gaunce – yes Lowery – yes
Groce – yes Neal – yes
Hammer – yes Norris – yes
Harris – yes Witcher – yes
Honeycutt – yes

ORDINANCE NO. __________

ORDINANCE ---- 1ST READING ---- ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, TITLE XI BUSINESS REGULATIONS, CHAPTER 110 GENERAL LICENSING PROVISIONS

A proposed ordinance was presented for the first time and caused to be read for the first time.
MOTION was made by Council Member Norris for the first reading approval of the Ordinance
SECOND was by Council Member Groce
VOTE unanimous approval of the Council present

Prior to the vote, Council Member Honeycutt said it is his understanding that the pre-filing of a $25 fee each year and instead collect it when the net profits are due and changing the timing of it. City Attorney Rich Alexander answered yes it is changing the timing of it. Mayor Doty stated this was basically brought about by a software change.

RESOLUTION NO. __2017-2366__

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER FIXING AMERICA’S SURFACE TRANSPORTATION ACT (FAST ACT)

A proposed resolution was presented and caused to be read
MOTION was made by Council Member Honeycutt for the approval and adoption of the Resolution
SECOND was by Council Member Neal
VOTE unanimous approval of the Council present

RESOLUTION NO. __2017-2367__

RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY TO SECURE A SECTION 5307/5311 GRANT APPLICATION

A proposed resolution was presented and caused to be read
MOTION was made by Council Member Neal for the approval and adoption of the Resolution
SECOND was by Council Member Groce
VOTE unanimous approval of the Council present
Prior to the vote, Council Member Harris asked the breakdown of the share. Council Member Groce stated this is the same grant we apply for every year. Mayor Doty stated we will commit our portion of the funds.

RESOLUTION NO. __________

RESOLUTION RELATING TO MAYORAL BOARD APPOINTMENTS (Sponsored by Council Member Marna Kirkpatrick)

A proposed resolution was presented and caused to be read

MOTION was made by Council Member Norris for the approval and adoption of the Resolution
SECOND was by Council Member Hammer
VOTE Yes – 4  No – 7  AB – 0
Dickinson – yes  Kirkpatrick – yes
Gaunce – no  Lowery – no
Groce – no  Neal – no
Hammer – yes  Norris – yes
Harris – no  Witcher – no
Honeycutt – no

MOTION FAILED

Prior to the vote, Council Member Honeycutt stated everybody that is nominated is someone who is civic-minded and has either volunteered to serve on a committee or board or they have been drafted and agreed to serve. Council Member Honeycutt stated that they may have had disagreement in management philosophies and disagreements is applicable backgrounds and education, but none of these people, as far as he knows, has ever been called a scoundrel by anyone up there in this chamber tonight. Council Member Honeycutt said he does not want to have a “dog and pony show” where they have a parade of nominees coming in and we are reading them questions off of our cell phones. Council Member Honeycutt said it is just a bad way to conduct their business up there. Council Member Honeycutt said they have two weeks to vet someone. Council Member Honeycutt said they can do that in two weeks. Council Member Honeycutt said if they can’t, they are not doing their job. Council Member Honeycutt said they should not be waiting until the night of the Council meeting to vet someone or decide if they are going to vote yes or no.

Council Member Gaunce stated he will chime in the same way with Council Member Honeycutt. Council Member Gaunce said he thinks if they wait until they get there and ask questions, they may be ill-prepared to answer the questions. Council Member Gaunce said if they have vetted out somebody and they have an issue with somebody, then that might be the time to bring them in, but he don’t know if he wouldn’t be just for a complete blanket of some of the people that has
been nominated that he has talked to. Council Member Gaunce said the one tonight he has not talked to since he got that sheet. Council Member Gaunce stated if he had a concern he would voice that to the Council. Council Member Gaunce said if there was an issue, then he would do it, but just not set in stone.

Council Member Groce stated he thinks two weeks is plenty of time for vet these nominees. Council Member Groce stated he does not see the issue.

Council Member Kirkpatrick said she would like to address the three that just spoke. Council Member Kirkpatrick said there is more to it than just the two week notice of just calling them on the phone and asking them questions. Council Member Kirkpatrick said it is about transparency. Council Member Kirkpatrick said she does not like to highlight bad business, but if they recall when Ms. Mclean was up for an appointment, there was some discrepancy of she said, she didn’t say, she said, she didn’t say; things like that. Council Member Kirkpatrick said she believes it is in the best interest of the public to hear these questions and hear their answers. Council Member Kirkpatrick said that is what this is about.

MUNICIPAL ORDER NO. 2017-761

MUNICIPAL ORDER APPOINTING D. T. FROEDGE TO THE GLASGOW ELECTRIC PLANT BOARD FOR A FOUR (4) YEAR TERM EFFECTIVE FEBRUARY 1, 2018 AND IS SUBJECT TO THE APPROVAL OF THE GLASGOW CITY COUNCIL

A proposed municipal order was presented and caused to be read

MOTION was made by Council Member Norris for the approval and adoption of the Municipal Order
SECOND was by Council Member Lowery
VOTE unanimous approval of the Council present

DISCUSSION OF THE SELECTION OF AN AUDITOR FOR THE GLASGOW ELECTRIC PLANT BOARD PER KRS 96.840

Mayor Doty said some months ago, they discovered in the Little TVA Act that the Council is responsible for selecting an auditor for the Glasgow Electric Plant Board. Mayor Doty stated that each Council Member should have received, last week, a copy of a Request For Proposals that has been used in the past by the Plant Board to interview auditors. Mayor Doty stated that was sent for the Council Members’ use and review. Mayor Doty said he would like to ask the
Council what they would like to do in regards to selection of an auditor for the EPB. Mayor Doty stated the floor is open.

Council Member Honeycutt said he would like to see the Finance Committee select an auditor. Mayor Doty asked if the need to vote and if that is the consensus of this group. Mayor Doty said they will task the Finance Committee with selecting an auditor by whatever means that groups sees appropriate and it will be brought back for a report before the Council. City Attorney Rich Alexander said he thinks that should be made in the form of a Motion and Second to have a vote on that.

MOTION was made by Council Member Honeycutt for the Finance Committee to select an auditor for the Glasgow Electric Plant Board and bring back to Council for approval
SECOND was by Council Member Norris
VOTE unanimous approval of the Council present

Prior to the vote, Council Member Dickinson asked if the Finance Committee would bring that back with a recommendation to the Council and the Council has the final authority. Council Member Groce stated that is the way he understood it. Mayor Doty stated the Finance Committee would bring back a recommendation for the Council to ratify.

ANNOUNCEMENTS:

GLASGOW CITY HALL WILL BE CLOSED ON MONDAY, JANUARY 15TH IN OBSERVANCE OF MARTIN LUTHER KING, JR. DAY. THE DEPARTMENT OF PUBLIC WORKS WILL ALSO BE CLOSED ON JANUARY 15TH. FOR MORE INFORMATION, VISIT THE CITY’S WEBSITE AT CITYOFGLASGOW.ORG.

THE GLASGOW-BARREN COUNTY CHAMBER OF COMMERCE QUARTERLY BREAKFAST WILL BE HELD AT THE GLASGOW GOLF & COUNTRY CLUB ON FRIDAY, JANUARY 19TH. COUNCIL MEMBERS WISHING TO ATTEND MAY PICK UP YOUR TICKETS AT THE CHAMBER OF COMMERCE OFFICE. FOR MORE INFORMATION, PLEASE CALL THE CHAMBER OF COMMERCE AT 270-651-3161.

DAILEY & VINCENT WILL BE PERFORMING AT THE PLAZA THEATRE AS PART OF THEIR ALL-AMERICAN MUSIC TOUR ON FRIDAY, JANUARY 19, 2018. TICKETS ARE $30 AND CAN BE PURCHASED AT THE PLAZA THEATRE TICKET OFFICE OR ONLINE AT HISTORICPLAZA.COM.

THE 97TH ANNUAL MEETING OF THE GLASGOW-BARREN COUNTY CHAMBER OF COMMERCE WILL BE HELD ON MONDAY, FEBRUARY 5TH AT THE CAVE CITY CONVENTION CENTER. THE RECEPTION IS FROM 5:30 P.M. – 6:15 P.M. WITH DINNER BEING SERVED AT 6:15 P.M. COUNCIL MEMBERS WISHING TO ATTEND MAY PICK UP YOUR TICKETS AT THE CHAMBER OF COMMERCE OFFICE.
COUNCIL MEMBER LOWERY ANNOUNCED THERE WILL BE NO PARKS AND RECREATION MEETING WHILE THEY ARE WAITING TO GET ALL INFORMATION FROM BRANDSTETTER CARROLL, INC.

COUNCIL MEMBER HAMMER RECOGNIZED THE GROUP OF YOUNG MEN IN ATTENDANCE AT THE COUNCIL MEETING AND THANKED THEM FOR ATTENDING.

There being no further business to come before Council, Council Member Norris made a motion for adjournment, Council Member Neal seconded. Motion carried.

__________________________________  DICK DOTY, MAYOR

ATTEST:

__________________________________  JAMIE MCFARLIN
CITY CLERK