

Wednesday July 14, 2021-6:00 P.M.

The City Council of the City of Bromley, Kentucky, met in a special session on Wednesday July 14, 2021, at 6:00 P.M with Mayor Denham presiding.

### **CALL TO ORDER**

- Roll call was taken, and the following members were present: Mike Kendall, Tim Wartman. Reagan France, Matt Wartman, Dianne Wartman, and Dave Radford was absent.
- Staff present were City Clerk, Gail Smith; City Attorney, Kim Vocke. and Ludlow Fire Chief Mike Steward. Quentin Campbell PDS Code Enforcement officer was in attendance.

Mayor Denham stated the only topics of discussion would be as follows:

- Discussion of property located at 305 Main St.
- Second reading of Ordinance 7-1-2021, interlocal agreement for Code Enforcement Services.
- Second reading of Ordinance 7-2-2021, regarding short term real estate rentals.
- Adopting open records changes

Chief Steward informed council of the life safety issues at 305 Main Street including a wall leaning in the rear of the building, door jamb leaning, unanchored stairs, rusting landing, refrigerators stored outside, gas can hazard, building not secured and holes in the wall and ceiling were observed when peering into the windows. He has advised his fire department members in the event of a fire they are to fight it from the exterior and not enter the building. His recommendation is to condemn the property as was done with the property at 240 Shelby Street.

Quentin Campbell informed council the city could abate the issues and send copies of the bills to be added to the files PDS maintains. He stated PDS took a step back because he had contact with Mr. Roseberry at some point and the state(city) came in and fixed the wall. PDS will pursue liens against the property. As far as the non-conforming use issue Mr. Campbell feels because the property taxes are paid it is technically not abandoned. He considers it non-operational. Mr. Roseberry would have to go to the board of adjustment to continue the use as a four-unit apartment. He feels the Fire Marshall will not allow it and believes the board of adjustment would not allow it to happen either.

Mr. Vocke, attorney, would like copies of the two liens PDS currently has on the property. He informed council the city has one lien and a suit pending in court. Mr. Vocke has had interactions with Mr. Roseberry and advised him the property had to be up to code before the city would be willing to release the lien on the property. Mr. Vocke suggested that council allow him to send a letter to Mr. Roseberry informing him of the life safety issues and giving him 30 days to respond with his intention for the property.

Reagan France inquired as to the status of the mortgage that was to be drafted for the payment of the wall. The attorney informed her the city is not in the position to draft the mortgage due to the property not being up to code and the existing lien.

Mike Kendall suggested Mr. Roseberry submit a comprehensive plan with a time frame. Chief Steward stated Mr. Roseberry was issued a citation in May with a 7-day window to respond to PDS and did not comply.

Chief Steward feels the city needs to nip this issue in the bud.

Mike Kendall is concerned about the loss of money for the repair of the wall. The attorney stated he could amend the complaint currently pending in the courts to include the \$30,000.00 spent on the wall. If the judge sustains that motion the attorney would issue an amended complaint and serve the complaint on the LLC. The LLC would have an opportunity to respond and if they fail to respond a judgement would be issued with the potential for the city to recoup some money through foreclosure.

Upon the Mayors' suggestion Reagan France made a motion to secure the property and file a lawsuit against the property owners with a second by Diane Wartman. All members present voted yes.

### ATTORNEY

- Second reading of ordinance 7-1-21 adopting the interlocal agreement for PDS services in the city.
- Mayor Denham asked for a motion to approve. Mike Kendall motioned to approve with a second by Tim Wartman.
- All members present voted yes.
- Second reading of ordinance 7-2-21 amending the zoning ordinance related to short term rentals within the city.
- Mayor Denham asked for a motion to approve. Matthew Wartman motioned to approve with a second by Tim Wartman.
- All members present voted yes.
- The attorney stated the open records law has been changed and will be adopted as part of the codification process. Mike Kendall motioned to accept the open records changes with a second by Matthew Wartman.
- All members present voted yes.

Mayor Denham asked for a motion to adjourn the meeting. Reagan France motioned to adjourn with a second by Mike Kendall. All members present voted yes. The meeting was adjourned at 6:30 pm.

MAYOR \_\_\_\_\_



CLERK \_\_\_\_\_

