

FISCAL,

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After brief discussion, the court voted to let the county remain on central time.

But the court moved forward with a second reading and passage to increase the county's occupational tax from three-quarters of a percent to one percent.

Citizen James Gray was the only person to speak against the increase at this week's meeting.

He said the county's solution to raise the occupational tax was "unfair...to the working people."

Gray suggested alternatives such as possibly increasing

property taxes, and also questioned enforcement of tax collection in some situations.

In amending the existing occupational tax ordinance, Russell County Attorney Kevin Shearer said the fiscal court had requested changes in three areas: increase the tax rate from .75 to 1.0, raise the "alternative tax" from \$2,500 to \$4,000, and "eliminate" the "sunset clause."

Third District Magistrate Mickey Garner made a motion to amend the ordinance, which was seconded by Richardson,

and unanimously approved by the court.

the county's coffers in order to continue providing services, and address various issues.

With inflation and rising costs, Judge Marcum said the county was "behind the eight ball," and revenue from the amended tax should improve the county's coffers in order to continue providing services, and address various issues.

The judge said several counties across the state "are having the same discussion."

RESIGNATION,

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grow under the leadership of our capable, elected officials and dedicated employees," Holt's letter-read to the council by Ramsey-said. "Please know that I will always be an advocate for our community, and will continue to support its growth and development in any way I can. Thank you, again, for the privilege of serving on the city council. I wish you all the best in your future endeavors."

"So, we're one less council member," Mayor Thomas told the council. "We have 30 days to replace him, or the governor will appoint somebody."

Councilwoman Sherry Bottom-Daniel made a motion to appoint former council member Lisa Mann as Holt's replacement.

"Lisa's been a faithful helper with any kind of event that we've ever hosted for the city," Daniel said, "and she's also served several years on the cemetery board. She has also served on the city council before, so she would come to us with some knowledge based on that."

The motion was unanimously approved by the entire council.

Mayor Thomas said Mann "will have to run in November."

"It will be a special election for that seat," he said.

With his father, the

late M.R. Holt, also serving on the city council, Tom Holt continues a family tradition of public service and community involvement.

At presstime Monday, Tom Holt said he will still serve the city in which he lives in and loves.

"I am taking a position inside city hall with planning, zoning and code enforcement-just to name a few things that I will be doing," he said.

Mayor Thomas told the council a long-time city employee is retiring.

In his nearly 30-year career with the City of Russell Springs, Terry Russell was a friend to many, and the "go-to" to take care of business, solve problems, and make things happen.

Russell received special recognition as he ends his tenure in a top position.

The long-time Public Works Director will retire at the end of this month.

"It's a good day for him, but a sad day for the City of Russell Springs," Thomas said. "He's been a faithful employee...but most of all, Terry is one we can call in when we need something, and he's always here for us."

With friends, family, and co-workers in attendance, Russell received a recognition

award, and was presented with a proclamation declaring March 31, 2023 as "Terry Russell Day" in Russell Springs.

"In November of 1994, when I started this little journey, you just don't realize how time goes by as quick as it does," Russell told a packed meeting room. "I think I went through five mayors, several commissioners, several councilmen and councilwomen, and they've stuck with me on decisions we've made over the years."

"I've brought ideas to them," he said, "we've got several grants throughout the years...and they've always been behind me...and I appreciate that."

"It's been an honor to be able to serve," Russell said.

A reception for Russell will be held later this month.

In other business, Mayor Thomas told the council the Russell Springs City Park suffered an estimated \$100,000 in damages during a recent wind event.

The city's covered stage pavilion was basically destroyed-along with trees blown down, and other damage.

Thomas said several entities are also collaborating on a community Easter Egg hunt, and more information will be forthcoming.

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ORDINANCE 2023-02

ORDINANCE REPLACING PARKING VIOLATIONS, RESTRICTIONS, PENALTIES, AND IMPOUNDMENT OF MOTOR VEHICLES, AND ESTABLISHING HEARING AND APPEALS PROCESSES

BE IT ORDAINED by the City of Russell Springs, Commonwealth of Kentucky that:

Section 1: General Provisions.

- (a) Ordinance 2003-10, 2003-12, 2013-01, and 2013-04.
- (b) The laws of the state of Kentucky shall apply in all matters relating to the regulation of traffic. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, or conflict with the laws of the state of Kentucky as determined by any Court of competent jurisdiction, such portion shall be deemed as separate, district, and independent provisioned, and such holdings shall not effect the validity of the remainder portions herein.
- (c) The Officers of the Police Department and the Safety Officer of the City of Russell Springs shall enforce all parking laws of the City. Only Officers of the Police Department may conduct impoundment procedures at set forth below.
- (d) Any person who parks a vehicle, as well as the owner of said vehicle, shall be jointly and severally liable for the offense and any fine imposed, except for the where the use of the vehicle was secured by the operator without the owner's consent.

Section 2: Parking Violations.

- (a) If any motor vehicle is found parked, standing, or stopped in violation of a local parking ordinance, the vehicle may be issued a citation for the appropriate parking violation. The citing officer shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, shall conspicuously affix to the vehicle a notice of the parking violation.
- (b) The form of notice of parking violation shall be on a form designated by the City of Russell Springs and shall contain in substance the following information:
 - 1) The citation notice represents a determination that the owner of the vehicle has committed a parking violation and this determination shall be final unless contested as provided herein:
 - 2) The parking may result in impoundment of the vehicle for which the owner may be liable for a fine and towing, handling and storage charges or fees:
 - 3) The specific parking violation for which the citation was issued:
 - 4) The monetary penalty established for the parking violation; and
 - 5) The options for contesting or appealing to the notice may be obtained upon the request from the Russell Springs City Hall.
- (c) The notice of parking violation represents a determination that a parking violation has been committed, and shall be final unless contested as provided herein.

Section 3: Schedule of parking violations and penalties.

- (a) Double parking - \$25.00
- (b) Parking upon sidewalk - \$25.00
- (c) Block a ramp for person with disabilities - \$75.00
- (d) Parking in an area prohibited by official signs - \$25.00
- (e) Parking adjacent to yellow painted curb - \$25.00
- (f) Improper parking in an area designated for persons with disabilities - \$75.00
- (g) Parking within 6' of any fire hydrant - \$50.00
- (h) Parking adjacent to a designated fire zone or red painted curb - \$50.00
- (i) Parking in a manner which blocks a driveway or encroaches upon a roadway - \$25.00
- (j) Failure to display handicap permit if parked in handicap space - \$75.00, unless proof of permit is shown.

Section 4: Payment of parking violations.

- (a) All parking violations shall be paid to the Russell Springs Police Department, City Hall, PO Box 247, Russell Springs, KY 42642, within fourteen (14) days of the date of the parking violation. If the owner of a vehicle cited for a parking violation has not responded to the violation within fourteen (14) days, the City of Russell Springs shall send a second notice by certified mail to the last know address of the registered owner of the vehicle as listed on the certificate of title. The mailing of this notice shall result in a doubling of the monetary penalty for the violation. Violations not paid within thirty (30) days of their issuance shall result in the violation being cited to the Russell District Court.
- (b) The registered owner of the vehicle at the time the violation occurred shall be liable for all fines, fees, costs, or penalties.

Section 5: Impoundment

- (a) The City of Russell Springs Police Department may impound a motor vehicle which is abandoned upon the streets or thoroughfares within the City or parked, stopped, or standing upon a street or public way within the City in violation of this ordinance or as otherwise allowed by the Kentucky Revised Statutes.
- (b) All violators shall be subject to the schedule of fines levied for the above parking violations. Violators shall pay all reasonable towing and handling charges, as well as all reasonable storage charges on the vehicles.
- (c) Impounded vehicles shall be released only upon advanced paying of the towing, handling, and storage charges imposed thereon.

Section 6: Contest of Parking Violations and /or Impoundment.

- (a) A person cited for a parking violation or whose vehicle has been impounded as provided herein may contest the determination of that violation by requesting in writing a hearing before the Code Enforcement Board of the City of Russell Springs. Such hearing must be requested in writing thirty (30) days of the violation or impoundment. Such hearing shall be held no later than fourteen (14) days of the receipt of the request, with the board notifying the registered owner of the vehicle of the date, time, and place of the hearing no less than seven (7) day prior to the date set for the hearing.
- (b) At the hearing, after consideration of the evidence, the hearing board shall determine whether a violation occurred. If no violation occurred, an order dismissing the violation shall be entered. If a violation occurred, the board shall uphold the citation and order the owner to pay the citation within seven (7) days. A copy of such order shall be furnished to the owner. Any person ordered to pay the fine and fails to do so within seven (7) days shall be deemed to have refused to pay the fine levied by citation and same shall be considered unpaid.
- (c) The Board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.
- (d) An appeal from the hearing board's determination may be made to the District Court of Russell County within seven (7) days after the board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the board's order in the same manner as any civil action under the rules of civil procedure. The action shall be tried de novo and the burden shall be upon the local government to establish that a violation occurred. If the Court finds that a violation occurred, the owner shall be ordered to pay to the City of Russell Springs all fines, fees, costs, expenses, and penalties as of the date of the judgement. If the Court finds that a violation did not occur, The City of Russell Springs shall be ordered to dismiss the violation and the Plaintiff shall be authorized to recover its costs.
- (e) The judgement of the Russell County District Court may be appealed to the Russell Circuit Court in accordance with the rules of civil procedures.
- (f) This ordinance shall be in full force and effect upon its passage, approval, and publication according to law.

First Reading: February 9, 2023

Second Reading: March 9, 2023

Adopted this 9th day of March, 2023.

Sponsored by: Councilman Ricky Barnes

Eddie Thomas
Eddie Thomas, Mayor

ATTEST:
Christopher Ramsey
Christopher Ramsey, City Clerk

Sammy Brown

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We love you, Dad, Mom, Jordan, Chris & Ben!!