

The Carlisle Mercury

Our 112th year, No. 7 Carlisle, Kentucky, 40311, Thursday, February 15, 1979 20 cents per copy

Agreement seen near

Mandate handed down in '77 assessment suit

The 1977 tax assessment suit is over — almost. All that remains between the two parties involved, the Nicholas County Fair Tax Committee and the Kentucky Department of Revenue, is a meeting between attorneys for the two groups to agree on a judgment and the Fair Tax Committee's attorney, Joseph Leary of Frankfort, said Friday he expects no problems on that matter.

Rose Brady, Nicholas County Property Valuation Administrator, told the Mercury last Friday that her office has met the requirements handed down in the Kentucky Court of Appeals decision of Oct. 27, 1978.

That decision said that those persons whose 1977 assessments had been raised without receiving proper notice must be reverted to the 1976 assessment.

Mrs. Brady said that had been done and the Department of Revenue is currently in the process of certifying the assessment. When that is done the tax rolls will be turned over to the county clerk so the bills may be prepared and mailed. Mrs. Brady said this may be done by the middle of this summer.

The Court of Appeals showed that there had been no discrimination in assessments nor any error in the assessments. One of the contentions of the Fair Tax Committee's action was that the assessments were raised on residential property in the city of Carlisle and the Lake Canino area and that commercial and agricultural assessments were left to the 1976 levels.

Leary had applied for a rehearing on the Oct. 27 decision of the Court of Appeals but this was denied in month. The time limit for taking the appeal a step higher, to the Kentucky Supreme Court, passed with no motion being filed and a mandate to carry out the Oct. 27 ruling was made Jan. 26 of this year.

In an interview Friday, Leary said he felt a further appeal might have done more harm than good and that he felt the ground gained since the initial filing of the suit was substantial enough to warrant no further action.

"I thought we have done quite well with it," Leary said. "As soon as I can get together with Tom Duke (attorney for the Revenue Dept.) on an agreed judgment the suit will end."

Leary also said the suit had helped those who had become involved with it. He said that about 80 per cent of the appeals to the state board of tax appeals had been revised in favor of the property owners and noted that all of the property owners who had not received notice of the raise in their 1977 assessments were given notice of the October ruling. And, Leary said, there was another aspect to the case that helped determine its worth.

"I think the Nicholas County suit was highly responsible for the current mood of tax cutting in the special session. It (the tax cutting movement) aroused the General Assembly to the point that for the first time I can remember they told the governor to stand aside."

Leary said the Senate's move to set up a committee as a whole asserted its independence and stymied the governor, who traditionally has controlled

legislation through control of the standing committees.

"I tell you," Leary laughed, "if you think Jerry Brown (Governor of California) was fast on his feet for taking credit as a tax-cutter on Proposition 13, I'd have to say our governor is equally as fast. In his speech to the joint session, he praised them for being tax-cutters and said he was a tax-cutting governor but when the session was called in November he was of a different mood."

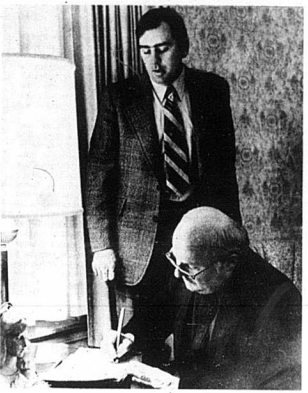
Leary said that several Nicholas County tax property owners still have appeals pending in the state board of tax appeals although several others have asked their appeal be dropped.

Another facet of the action was that the Department of Revenue began strictly enforcing the provision which says that property owners must be notified of any raise in assessments. Given as an example was trash collection service in the near future are re-evaluating funds (some of which are returned to the First National Bank as collateral on previous loans) and tax revenues from 1977.

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A miscalculation in that entry gave the employees two extra checks, at a cost to the city of about \$1,500. The council is expected to meet again tonight (Thursday) for further discussion on the financial situation. Expected to ease the drain in the near future are re-evaluating funds (some of which are returned to the First National Bank as collateral on previous loans) and tax revenues from 1977.

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Contract inked

Father Herman Kamlage, pastor of the Shrine of Our Lady of Guadalupe, signs a contract with Sullivan, Bode, Runck and Associates of Cincinnati, for renovation of the parish's new church building while architect Reno Runck looks on. The church has purchased the old Rock Haven restaurant on U. S. 68 for remodeling as a church. The present building on East Main Street will be razed. Work on the two buildings is expected to begin this year. —Photo submitted by Charles Canupp.

City eyes fiscal situation

Water, sewer, trash collection rates raised

Reorganization of the city's financial structure was the main item on the agenda at Monday's Carlisle City Council meeting.

The council voted to accept the 1977 assessments of Property Valuation Administrator Rose Brady on city property for use in preparing city bills for that year, used up in the assessment suit of the Fair Tax Committee. The city has been collecting some 1977 taxes on the 1976 assessments with the understanding that any difference would be billed later.

In other revenue-related moves the council voted to raise sewer, water and trash collection rates. The last was prompted by a request from Nicholas Fiscal Court for a raise in the rate the county is charging the city for using the landfill.

\$300 to \$1000

Magistrate Orville Atkinson, representing the court, asked for a raise in the flat fee of \$300 to \$1,000 per month and a \$5 fee for every city dump truck

load. Fiscal court hasn't acted on the matter yet but they are expected to act at a coming meeting.

The city agreed to the raise in principle but asked Atkinson to speak to his fellow magistrates about the county paying half of the fee of the radio operator. Mayor Power said 90 per cent of the calls are for the sheriff's office yet the city is bearing the full cost of 24-hour radio operation. Power estimated this cost around \$1,500 per month.

Later the council passed an ordinance raising trash collection to \$3 (or a 20 per cent raise) for residential collections and a 20 per cent increase on the established rate with local businesses. Several members of the council noted when the contractor raised his rates last year on the trash collection pact, the rates were kept the same for the customers.

Audit under way

Also raised were the water rates, 10 cents across the board. The city has been undergoing an audit in the past

few weeks and streamlining some accounts for simplification in book-keeping. For example, the account of the planning and zoning commission was moved to the general fund along with several other accounts. By combining the accounts and using purchase orders, which the council also discussed Monday night, a better account could be made of the city's disbursements and revenues.

Also contributing to the city financial situation, which Power termed "in bad shape but getting better," were two errors, one made by an outside agency serving the city and one made internally.

The first was the transference of an incorrect water rate from one computer billing company to another. This cost the city 50 cents for every 100 gallons sold and the figure hasn't been isolated yet.

The other was an error made when the city employees had their pay schedule changed from the 15th and 30th of the month to a bi-weekly check.

Among other business Monday night the council recommended to the Carlisle Independent Planning and Zoning Commission, W. K. Vines as a member with David Zachary as alternate. The member will replace a member in a position chairman Vouch Berry, who has moved out of the county and tendered his resignation effective Feb. 28.

Berry has said he will serve the commission on a consulting basis when needed. The mayor and council member Carol Sparks thanked Berry for his service since the organization of the commission in 1976.

The member named, whether it is Vines or Zachary, will complete Berry's four year term, of which three remain.

In other business the council voted to

Local church signs contract for building

The new Shrine of Our Lady of Guadalupe is a step closer to becoming a reality, it was announced this week by the Reverend Herman R. Kamlage, pastor of the Shrine parish. At a special meeting of the new Shrine Building Committee, held Feb. 1, a contract was signed with the architectural firm of Sullivan, Bode, Runck and Associates of Cincinnati, O.

Permission to proceed with the new Shrine project, to be located on U. S. 68, was received from the Most Reverend Richard H. Ackerman, Apostolic Administrator and retired Bishop of the Roman Catholic Diocese of Covington.

The local church was established as a Shrine by Bishop Ackerman in 1962. It was named after the Mexican Shrine, recently visited by Pope John Paul II, where Mary, the mother of Jesus, reportedly appeared in 1531.

According to Father Kamlage, schematic drawings will be presented to the parish within eight weeks. Construction will begin early this summer. The project will take approximately 18 months to complete.

Father Kamlage also stated that the present parish property, located at the corner of East Main Street and Eastern Avenue, will be sold when the new Shrine complex is completed. Parish plans also include the razing of the existing church structure.

Property for the new Shrine, consisting of 2.5 acres and a multi-unit structure, was purchased in December 1977.

Members of the new Shrine Building Committee are Charles F. Canupp, Licha and Rose Marie Parah, T. R. (Burry) Lawrence, Gary Sibert, James E. Simons, president of the Parish Council, Raymond Roer and Father Kamlage.



Candidate

Terry McBrayer, Democratic hopeful for governor in this May's primary, was in Carlisle Monday on a campaign trip. Greeting McBrayer (right) were, from left, Nicholas County Extension Agent Mike Phillips, 74th District Rep. Adrian Arnold and County Judge Executive Reese Smoot. In a news conference yesterday, McBrayer revealed he had filed a complaint with the Kentucky Public Service Commission for removal of the fuel adjustment clause on utility bills. —Photo by Jeff Kerr.

Arnold reports on special session

Adrian Arnold lit his pipe while reflecting on the special session of the Kentucky General Assembly that ended Saturday.

Nicholas County's representative in Kentucky's lower house wasn't going to have much of a vacation. Next week he'll begin attending interim committee meetings, a task he says is invaluable in preparing for the upcoming session in 1980.

But the subject of Monday's interview was the fiscal situation and Arnold says the two main tax measures passed — the 4 per cent on property taxes and the removal of the sales tax from home utilities except telephone — were "a step in the right direction."

Arnold said the results of the property tax measure will force local taxing

districts to tighten their belts a little and it also leaves the option of approving more than the 4 per cent. The measure works like this: a taxing district (city, county, sewer, etc.) may receive any more money than the previous year without holding a public hearing. After a public hearing it can okay a raise but that can be vetoed by the voters registered that cast ballots in the last presidential election. Arnold said that in the 1980 legislature the capital construction and contingency fund budgets will have more line items earlier than before, showing how the money is to be spent.

The Mt. Sterling legislator said local taxing districts in his constituency favored the tax bid.

"The mood of the people is moving toward less spending," he said. Arnold noted that a poll he distributed before the session met said that more than 90 per cent of the respondents favored the property tax bid.

Other areas in which the special session made contributions were the chance to get a closer look at the budget with more of the same upholding. Arnold said that in the 1980 legislature the capital construction and contingency fund budgets will have more line items earlier than before, showing how the money is to be spent.

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