

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, April 11, 2011 at 6:15 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Polly Troxell, Tom Shroyer, Treva Browning, Danny Meadows, Lee Ann Armstrong and Leo Mason. Absent was none. Also in attendance were City Clerk Sandra Doane, Police Chief Carey Duncan, Police Officer Phillip Parham, Public Works Director William Smith, Employee Tim Fitzgerald, Magistrate Scott Bates, Henry County Local Representative Jonna Spelbring Priester; Citizens Sandy Hayden, Rose Hernandez, and Betty Dixie.

Mayor Stephens called the meeting to order at 6:15 p.m.

Pledge of allegiance held.

Subject: County Business – Magistrate Scott Bates was present and thanked our Fire Department for their help during the recent tornado. Mr. Bates reported that Henry and Trimble County will be joining together to provide animal control after the Humane Society leaves town. They will be sharing a building and all the associated expenses with each County to hire their own enforcement officer. Some property has been promised with the hopes of getting grant money to fund this project. The County currently spends approximately \$90,000.00 annually to provide animal control through the Humane Society and anticipates that joining with Trimble County could cost less. Magistrate Bates was asked to confirm that what we are currently doing with the Fire Department as pertains to the audit is sufficient or if we will have to do something different. We have been told two different things by two different people.

Subject: Dog Issue – Rose Hernandez was present to discuss the dog concern on Hillcrest Drive. Ms. Hernandez stated that the dogs belong to her and her son, Joe. Her son has a learning disability and walks the dogs which she doesn't see as a problem. The dogs will not hurt anyone unless they feel that their family is being threatened. They have never bit anyone. Ms. Hernandez stated she feels Joe is being picked on by everyone, including the Police Department. She stated he didn't get a good education due to the way people treat him. The dogs are his friends. Ms. Hernandez stated that all dogs are going to bark at strangers or anything they perceive as a problem. Mayor Stephens stated to his knowledge we have not had an official complaint on the barking. Mayor Stephens asked Ms. Hernandez to sit down with him and the Police Chief to clarify any issues or concerns. Ms. Hernandez stated she would do anything if it saves her son.

OLD BUSINESS:

Subject: Surplus Police Cruiser Bid Opening – Mayor Stephens opened the following bids for the surplus 2002 Ford Crown Vic Police Cruiser:

Darrell Abbott, 1397 Marshalls Bottom Road, Lockport, KY 40036 - \$300.00

Jason Brown, 7850 Elmburg Road, Bagdad, KY 40003 - \$763.83

Discussion held. Motion made by Member Meadows to accept the high bid from Jason Brown in the amount of \$763.83 for the surplus 2002 Ford Crown Vic Police Cruiser. Motion seconded by Member Mason. On a call for vote by Clerk Doane, all members present voted "Yea".

Subject: Minutes – The minutes of the previous regular session held on March 14, 2011 were reviewed. Mayor Stephens asked for any additions or changes to the minutes. With no additions or changes forthcoming, Mayor Stephens stated they would stand approved as presented.

REPORTS:

Subject: Police Department Report – Chief Carey Duncan reviewed the monthly activity report with council which showed total contacts of 223 for March. Sixteen individuals were arrested on thirty-eight separate charges. The Department had nine driving under the influence and ten other alcohol related incidents.

Subject: Property Ordinance Enforcement Report – Chief Duncan reported there was no ordinance notices issued in March for property ordinance violations.

Subject: Police Comments – Chief Duncan reported that a serial offender who has been passing counterfeit checks is in custody with a warrant having been served for our case.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. The reports showed that Troy Popp has passed his exam and is now a certified water distribution operator. The report stated that the Division of Water has conducted an audit of our records for industrial pretreatment and made a site visit with no violations found. Mayor Stephens commended the Public Works Department for all their work on the park.

Mayor Stephens reported that the plat for the transfer of the old surplus lift station on Elm Street has been approved by planning and zoning with all paperwork to be finalized by the end of the week. Motion made by Member Mason to authorize the transfer and conveyance of this surplus property to Gayle and Betty Moore and Linda Keith as outlined in the plat and supporting paperwork. Motion seconded by Member Troxell. On a call for vote by Clerk Doane, all members present voted "Yea".

Subject: Limited Land Lease - Mayor Stephens reviewed the need to re-new our land farming lease with Tim Fitzgerald. It was discussed that several years ago we were required to plow in sludge on our property and we were required to crop the property with it being determined at that time that it was in the best interest of the City for Tim Fitzgerald to do this for the City. In return for allowing Mr. Fitzgerald to do this, he mows the property with his own equipment and gas on his own time. Mayor Stephens read the limited land lease agreement. Motion made by Member Meadows and seconded by Member Browning to authorize the Mayor to enter into a limited land lease agreement with Tim Fitzgerald as it is felt to be in the best interest of the public and the City of Eminence for Tim to do this as he is a trusted City employee which would alleviate

security concerns and he is familiar with the lay of the land and the needs for mowing by being at the plant each day. On a call for vote by Clerk Doane, all members present voted “Yea”.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that her office has now collected 96% of the 2010 property tax bills and is continuing to work on the delinquent list. Clerk Doane reported she is continuing to work on the budget for fiscal year 7-1-11/6-30-12.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed seven total runs and special details in March for 31 ½ total man-hours. Member Meadows reported that a new burn ordinance is being looked at due to new EPA regulations with fines involved. The new bathroom work is on hold at this time.

Subject: Festivals Update – Member Mason reported the stage and tent rental has been secured for Eminence Day for a cost of \$400.00 from the Shelby County Parks & Recreation Department. The purchase price for a tent and stage is not feasible at this time. Member Mason reported that the sub-committees are setup. Member Armstrong stated the application for booth rental has been taken to the Local this week with Eminence Day to always be on the second Saturday of August. The booth rental amounts are different this year. The Music on Main for September conflicts with a Renaissance Faire event so the committee has decided to move the September Music on Main event to May. We will be charging \$25.00 for the vendor booths at Music on Main to cover the cost of cleanup. The cleanup will be done by youth groups for a fund raiser. Member Troxell reported she has the trailer lined up for the Music on Main events. It was decided to prohibit parking on the Main Street during Music on Main events between the real estate office and the church as it is hard to see people, especially kids who might be trying to cross the street at this point.

Mayor Stephens stated we need to approve the use of Leo Mason’s band to perform at Eminence Day. Motion made by Member Meadows and seconded by Member Troxell to enter into a paid agreement with Leo Mason to provide music at Eminence Day with the reason to allow this being his local stature in the community and the unique ability of his talents and draw to the public and that no other person can provide the same service in the same way and it is in the best interest of the City that Leo Mason provide the services notwithstanding that he is an officer of the City. On a call of vote by Clerk Doane, voting “Yea” were Members Meadows, Troxell, Shroyer, Browning, and Armstrong. Abstaining was Member Mason.

Subject: Parks Update – Mayor Stephens gave an overview of the parks improvements to date along with a financial status. We will be budgeting \$75,000.00 in the next year’s budget for our part of the land and water grant. We should know in July whether we received the grant. Mayor Stephens stated we could wait to do the lighting changes until July 1st or look at doing another line item change. The estimated cost on the lights and electric work is \$2,943.00. We are already over budget by approximately \$1,662.00 which would require around \$4,605.00 to get back in budget and do the electrical work discussed. Discussion held on the possible line item changes. Motion made by Member Troxell and seconded by Member Armstrong to move \$4,600.00 from the events line item and \$1,000.00 from the insurance line item to the parks

improvements line item and to proceed with the electrical work. On a call for vote by Clerk Doane, all members present voted “Yea”.

The park rules were discussed with the general feeling being if we don't have some written rules posted then we have no teeth for enforcement for wrong doing. Even though it is a lot to read it was decided to proceed with the rules as suggested with a few modifications. Member Shroyer stated we probably need to have some type of penalty for breaking the rules. It was decided to include the penalty of being asked to leave with parents to be notified. The designated smoking area will be at the picnic table when you drive into the park. Signs will be put up to indicate the smoking in specified areas only.

Subject: Community Center Report – Mayor Stephens stated he had no report as he did not make the last meeting.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – Barbara Chadwell of 91 Blackaby Lane was present to request help with her neighbor's dogs. She stated they bark day and night and bear their teeth at her even running her back into her house. The pens smell awful and are right next to her back door. She reported this to the Humane Society with one dog being taken away. Discussion held. Our police department can be called, however they have to see the actual complaint taking place before they can do anything. Ms. Chadwell was advised she can go directly to the County Attorney's office and file a complaint. Ms. Chadwell stated she also has a problem with the same neighbors not mowing or keeping the fence line clean. Mayor Stephens stated he would look into this problem and see if it can be handled through our property ordinance.

Betty Dixie asked if anything could be done about the condition of the Eminence Village Apartments stating they are extremely dirty. Mayor Stephens stated he is working with the owners on an update to the entire complex. They are waiting on a government grant. Hopefully after this renovation, pride will be instilled in the occupants to keep it clean. It was discussed that the manager should be overseeing the property. Mayor Stephens stated he will contact and talk with the manager about the condition of the property.

Police Chief Duncan stated that 34 people were killed by dogs in 2010 in the United States. Ms. Hernandez stated not all dogs are mean, but on their own property they would attack. It was discussed that some people are afraid of dogs in general.

Subject: Mayor's Update – Mayor Stephens informed council he has had several complaints on cats. It was discussed that we have several people feeding the wild cats which contributes to them staying around. We did not follow through on the spaying and neutering of the feral cats which was discussed several years ago.

Mayor Stephens stated he hand delivered the land and water grant application to Frankfort and met with Jodie McDonald.

Subject: New Business/Council – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Armstrong stated she feels the Eminence Village apartments are a real problem and hopes that the update will encourage people to keep their property clean. Ms. Hernandez stated no background check is even being done on people anymore. Mayor Stephens will work on this problem.

Subject: Amendment to the Water and Sewer Ordinance – Mayor Stephens held the first reading of an amendment to the water and sewer ordinance which would allow a once per calendar year sewer adjustment for filling of permanently installed swimming pools. Discussion held.

Subject: Warrants - The warrants presented for payment were reviewed. Motion made by Member Browning and seconded by Member Shroyer to approve the warrants for payment as presented, but to hold the one check to Leisure Concepts for the solar shade until all the work is completed. On a call of vote by Clerk Doane, all members present voted “Yea”.

Subject: Closed Session – None needed.

With no further business to be discussed, motion made by Member Meadows and seconded by Member Troxell to adjourn. All members present voted “Yea”. Meeting adjourned at 7:46 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

ATTEST: _____
SANDRA A. DOANE, CITY CLERK
CITY OF EMINENCE, KENTUCKY