

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, January 10, 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, Kevin Whitt, Lee Ann Armstrong and Leo Mason; all having been duly sworn in prior to January 1, 2011. Absent was none. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Police Officer Phillip Parham, Public Works Employee Tim Fitzgerald, Public Works Employee Matt McAllister, Magistrate Scott Bates, Henry County Local Representative Jonna Spelbring Priester, and Citizen John Lee.

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

Pledge of allegiance held.

Mayor Stephens welcomed all members to the council. Mayor Stephens indicated that he would have structured meetings, but will not be rigid and will allow citizens to talk about their concerns even if not on the agenda. He will allow an open citizen comment and question time during each meeting for citizens to express their concerns.

Subject: County Business – Magistrate Scott Bates was present and reported that the County will be having the second reading of an ordinance that requires fire department audits. The ordinance will allow the individual departments to use their own auditors and will allow reimbursement of \$1,000.00 by the County toward this audit expense. Mayor Stephens explained the history of our audit procedures concerning the Volunteer Fire Department. Magistrate Bates stated that the County will be pursuing the allocation from the state for our requested funds for the sewer plant expansion. Magistrate Bates stated he will try to make all of our meetings whenever possible and gave council his cell number if any questions or concerns arise during the month prior to our meeting.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on December 13, 2010 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.

Subject: Delinquent Property Tax Advertising – Mayor Stephens explained to council that the City had previously discussed advertising the names of delinquent tax payers in the newspaper. Due to some questions which have come up, this is being brought back to the council. Attorney Brammell stated the procedure requires an advertisement that we plan to put the names in the paper prior to actually publishing the delinquent list. Attorney Brammell stated we can also proceed with a mass-foreclosure to sell the properties to satisfy the taxes. Discussion held. Motion made by Member Mason and seconded by Member Whitt to proceed

with the statutory procedures for advertising the delinquent tax payer list with proper proofing of the names and amounts with the list to come to council at the next meeting prior to publication. Question asked if the list would include the individuals who have set up a payment plan with the City. Attorney Brammell stated they could not be excluded. On a call of vote by Clerk Doane, all members present voted “Yea”.

Subject: Ordinance Requiring Registration of Vacant Residential Properties – Attorney Brammell held the second reading of an ordinance requiring registration of vacant residential properties. Question by Member Shroyer as to the purpose of this ordinance. Attorney Brammell explained that it requires lenders to notify the City so we can have contact information for correcting problems at the vacant property such as high grass. Attorney Brammell stated he will address our ordinance as he files answers to foreclosures or repossession. Motion made by Member Troxell and seconded by Member Browning to adopt the ordinance as read. On a call of vote by Clerk Doane, all members present voted “Yea”.

REPORTS:

Subject: Police Department Report – Chief Carey Duncan reviewed the monthly activity report with council which showed total contacts of 237 for December. Eleven individuals were arrested on twenty-five separate charges. The Department had two driving under the influence and five other alcohol related incidents.

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

Subject: Police Comments – None.

Subject: Public Works Department Report – In the absence of Public Works Director William Smith, employee Matt McAllister reviewed the monthly activity report with council. Mr. McAllister reported two water main breaks during the month and the sprinkler system going off in the school which ended up being frozen pipes. The meters were read a little early in December to get ahead of the bad weather to prevent having to estimate the usage. Hussey Copper’s pretreatment permit was issued on December 20th. The pump at the Mulberry Road industrial pump station had to have repairs due to a broken shaft. The roads were treated with salt for snow/ice removal. Member Troxell complimented the department on the great job with snow removal. Mayor Stephens stated we are better prepared now with the addition of the blade on the small truck which allows us to get to the dead end streets better. Question asked about the priority of the streets and if we maintain the school property. Mayor Stephens stated we do make a pass through the school property first as a courtesy, even though we are not responsible for the maintenance. There is no specific order for street maintenance with the City basically divided in half if we have two employees working at the same time.

Subject: Transfer of Old Lift Station Property – Mayor Stephens discussed the previous request from Betty Moore to transfer the old surplus lift station property on Elm Street behind Gayle and Betty Moore’s house to them. Although discussed at length last month no agreement was reached to make this transfer to both the Moore’s and their neighbor Linda Keith, mostly

due to the Moore's changing their mind and wishing to keep everything the way it is now. Mayor Stephens stated we had agreed to do the survey on the assumption that they would pay for the survey which has been billed at \$812.00. Mayor Stephens asked if we could deed the property to the neighbor, Ms. Keith. Attorney Brammell stated we cannot and must declare the property as surplus and take bids. We can have a minimum bid, however. Discussion held. Motion made by Member Armstrong to declare pursuant to KRS 82.083 the property known as the abandoned lift station property located on Elm Street between Gayle/Betty Moore and Linda Keith as surplus, this being in the public interest as its original use was for a lift station which is no longer in use and to offer the property for sale under sealed bid with a minimum bid of \$1,000.00 subject to the existing access easement for the adjoining property owners. Motion seconded by Member Mason. On a call of vote by Clerk Doane, all members present voted "Yea". The two originally interested parties will be notified direct of our intent to sale the property.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that her office has collected 88% of the 2010 property tax bills. Clerk Doane reported that the auditors have completed the audit for the FY ending June 30, 2010 with both Mayor Stephens and previous Mayor Pettitt having reviewed the audit.

Subject: Line Item Budget Changes – Clerk Doane reviewed line item changes which need to be made to cover the merit raises given recently and some benefit changes. Included with the changes for the merit raises is a change to increase the employer portion of the health insurance up to \$1,000.00 per month per employee, as needed and subject to all other stipulations for dependent coverage. Motion made by Member Troxell to approve the line item budget changes as presented and outlined on the attached line item change document. Motion seconded by Member Browning. On a call of vote by Clerk Doane, all members present voted "Yea".

Discussion held on increasing the employer paid maximum for health insurance coverage from \$900.00 per month to \$1,000.00 per month per employee as needed. Clerk Doane stated that we are required to pay the portion as determined by the state personnel cabinet with the City already paying \$903.38 on one policy. With the current employee makeup, the total increase per month would be \$212.88 and would greatly help two of our employees. Motion made by Member Shroyer and seconded by Member Troxell to increase the employer paid portion of the health insurance from \$900.00 per month to \$1,000.00 per month as needed per individual employee with said increase to be subject to budget review for the next fiscal year before continuing with this change and subject to all other stipulations for dependent coverage. On a call of vote by Clerk Doane, all members present voted "Yea".

Subject: Police Department Copier – City Clerk Doane suggested giving the old police Department copier to the Fire Department rather than taking bids on this surplus property. The city hall copier has been recycled to the Police Department after purchasing a new one with added features for city hall, so the Police Department copier can be recycled to the Fire Department who needs a better one than they have currently. Motion made by Member Mason and seconded by Member Browning to declare the old Police Department copier as surplus property; to find that pursuant to KRS 82.083 as such is in the public interest as its original use

was for an office copier which is no longer needed by this department and to authorize transfer of this copier to the Fire Department. On a call of vote by Clerk Doane, all members present voted “Yea”.

Subject: Fiscal Year Ending 6-30-10 Audit – Mayor Stephens reported on the fiscal year ending 6-30-10 audit reports suggesting that all members read the management and discussion analysis in the front of the combined audit report. Mayor Stephens stated he has reviewed them with the auditors with the City being in sound financial condition with all required reserves being met. One suggestion made by the auditors was better utilization of our funds by paying off the loan on the City Hall building from some of the water and sewer reserve funds since we are paying more interest than we are receiving on our money. Mayor Stephens stated he has confirmed that there are no pre-payment penalties tied to this loan. Discussion held with Member Shroyer questioning whether we needed all of our reserve money for the sewer plant expansion. Mayor Stephens stated based upon his information that, even if we don’t get any additional funding from the state, we could move ahead with our expansion without needing all of our reserve money. Member Shroyer suggested we wait until we see if the plant expansion comes in as projected rather than higher which is typical.

Subject: Fire Department Report – Member Armstrong reported that the department had eight total runs and special details in December for 70 total man-hours. Member Armstrong reported that the yearly total was 93 total runs for 899 total man-hours. Reported that the Fire Board decided to wait until the February meeting to elect officers so everyone could be present. Member Armstrong reported that some line item budget changes were made to correct categories which are over budget. Member Armstrong stated that Chief Lucas did a good job in standing up for Eminence on the County audit issue.

The yearly income statement from the Fire Department audit was presented to council for their review and questions, if any.

Subject: 2011/2012 Committees Assignment – Mayor Stephens stated that if anyone is unhappy with or has a concern with their committee assignments for 2011/2012 to let him know by Friday so he can make some changes as necessary.

Subject: Festivals Update – Member Armstrong stated there is nothing to report.

Subject: Parks Update – No report.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – Mayor Stephens asked for any open citizen comments or questions. There were none.

Subject: Property Ordinance Enforcement Officer – Mayor Stephens stated he plans to remove the enforcement of the property ordinance from the police department as having a police officer confront you about violations may create a defensive attitude from the public. Mayor Stephens asked council for their thoughts on this matter. Discussion held, including the

possibility of advertising for someone to do this for us, with council in agreement to change this and to think about alternatives for next month's meeting.

Subject: Barnes Property on Jackson Road – Attorney Brammell reported that the City had fore-closed on the Barnes property located at 4721 Jackson Road with a judgment being received and a sale being done at the courthouse door. The purchasers of the property paid all the initial required funds but have since decided they do not want the property due to the high amount of taxes due on the property. A motion is pending by the Master Commissioner to convey deed to the purchaser anyway so Attorney Brammell suggested waiting until next month before making any other decision on this property. The property may have to be re-sold. Consensus of council to address this issue next month due to the pending motion.

Subject: Previous Mayor's Cell Phone Bill – Mayor Stephens reported that the City provided cell phone for former Mayor Petitt broke in late October and rather than get a new phone and possibly commit the City to a long contract, Mayor Petitt purchased his own phone for use the last two months of his term. He has requested reimbursement of his phone bill for these two months. The requested amount is \$49.41 per month which is less than we would have paid. Motion made by Member Troxell and seconded by Member Armstrong to approve reimbursement to former Mayor Jim Petitt in the amount of \$98.82 for his November and December phone bills. On a call of vote by Clerk Doane, all members present voted "Yea".

Subject: Warrants - The warrants presented for payment were reviewed. Motion made by Member Browning and seconded by Member Mason to approve the warrants for payment as presented. On a call of vote by Clerk Doane, all members present voted "Yea".

Subject: New Business/Council – Mayor Stephens asked if any council member had anything they wanted to discuss. None did.

Subject: Mayor's Update – Mayor Stephens informed council he would be sending out weekly e-mails to update the Council on projects or concerns and if anyone has anything that needs sharing to let him know.

Mayor Stephens stated that Kim Dawson, the technology teacher at the school, has met with him concerning the possibility of city-wide free Wi-Fi. A meeting has been held with Liberty Communications of Sparta concerning this project. They installed this service for the City of Carrollton for a cost of \$4,000.00. We would need three high speed sites to tap the equipment into with routers to be positioned around town. This could be a great draw for us and great for the businesses. We would lose some income on this through the telecommunications tax, but could probably make it up with the selling of advertisement on the site. The main transmitter could possibly be installed on the water tower with a one mile radius for the service. Discussion held with council in agreement this sounds like a good plan. Mayor Stephens requested permission to spend up to \$350.00 for a feasibility study for free city-wide Wi-Fi. If we decide to do this project and use their company the \$350.00 would be waived. Motion made by Member Troxell and seconded by Member Armstrong to authorize Mayor Stephens to spend up to \$350.00 for a feasibility study to provide free Wi-Fi to the community. On a call of vote by Clerk Doane, all members present voted "Yea". Mayor Stephens stated that Ms. Dawson has

two students who could help with the project work and setup for which they would receive a grade.

Mayor Stephens reported that the Kentucky League of Cities will be holding their KLC City Day and City Night program on February 9, 2011 if anyone is interested in attending. The RSVP date is February 4th.

Subject: Closed Session – None needed.

With no further business to be discussed, motion made by Member Whitt and seconded by Member Troxell to adjourn. All members present voted “Yea”. Meeting adjourned at 8:00 p.m. Mayor Stephens asked all members to stay around for a brief Public Holdings Corporation meeting and picture for the Henry County Local.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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