

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, September 12, 2011 at 6:15 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Polly Troxell, Tom Shroyer (arrived late), Treva Browning, Danny Meadows, Lee Ann Armstrong and Leo Mason. Absent were none. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Police Officer Phillip Parham, Public Works Director William Smith, Magistrate Scott Bates, Citizen Robert Eades, and Henry County Local Representative Jonna Spelbring Priester.

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

Pledge of allegiance held.

Subject: County Update – Magistrate Scott Bates was present to report on County business. Reported that he spoke with Judge Brent who sent some additional financial information on the 911, but it still appears to be a little vague. His review of the documents shows that at the end of fiscal year 6-30-11 there was a balance of \$28,000.00 in the fund and that by the end of the next fiscal year there will be not be any carryover left. Council asked if the zoning commissioner was being paid out of this fund. Magistrate Bates stated that part of his salary does come from this fund as he does do the addressing for the County. Member Meadows asked why Eminence is being asked to pay more. Magistrate Bates stated that more calls come from here and we have the largest population. Member Meadows stated Campbellsburg gets more funds for their department due to having a larger area but they pay less into this fund. Mayor Stephens stated he has had a citizen ask why the County residents are not being asked to pay more on this. Magistrate Bates stated it would still cost the Cities and the County more if we had our own dispatch so the County and the Cities still save a lot of money going through the state police. The Council requested that the County Treasurer come to the next meeting to review and explain the documents sent by the Judge in more detail.

Member Meadows asked if we were going to get Main Street paved this year. Magistrate Bates stated probably not this year with only patching planned. There will be some secondary money (approximately \$30,000.00) to be used on Jackson Road. One main concern this year for the County is that Highway 202 (Drennon Road) is caving in from the bottom and it is taking close to \$100,000.00 to fix it.

Subject: 911 Memorial Service Park Stone – Pastor Robert Eades with the United Pentecostal Church was present to request permission to locate a 911 memorial stone in the city park. Mayor Stephens thanked Pastor Eades for the wonderful service on Sunday honoring our civil servants. Pastor Eades stated he would like to put up a memorial stone in the city park honoring and recognizing our local civil servants. Sam Frazier is donating the engraving with the Church to pay for the stone. They have picked a spot in the park, if okay with the City, near the flagpole. Council in agreement for this stone to be placed in the park with the location as requested. Attorney Brammell advised that once the stone is set it becomes city property and that we would

need something signed by the purchaser giving this to the City and the City will accept it at a future meeting.

Member Shroyer arrived at this time (6:34 p.m.)

Pastor Eades stated it would take six to eight weeks to get the stone finished and he will wait until it is complete to present to the City. Pastor Eades reported that there were approximately 65-70 guests at the ceremony on Sunday.

Subject: Drainage on Merriweather Avenue – Earl Lawson who lives at 168 Merriweather Avenue arrived to discuss the drainage problems on Merriweather Avenue with council. Mr. Lawson stated that he is concerned about water running on him when it rains and that when we make changes on one side of town it affects the other side of town and that when we blacktop it adds water that drains through his property. Mayor Stephens asked Mr. Lawson what he would like to see happen. Mr. Lawson stated he would like to have the storm drains cleaned out. Public Works Director Smith stated there are no storm drains in this area. Mr. Lawson stated we are dictating terms to him on the water bill and doesn't understand why we can't fix his drainage issue. Mayor Stephens stated that the water bill is a separate policy than drainage. Mayor Stephens told Mr. Lawson there is no storm drain near the front of his property just near the back. Mr. Lawson stated there is a storm drain there and that he knows it is there as he has lived there all these years. Attorney Brammell reported that every three or four years Mr. Lawson comes to the Council about the same issue and that we still cannot correct drainage problems on private property unless we have done something to cause the problem. We previously looked at doing something about storm drains all over town, but decided it was not feasible to do. Only if the City diverted the flow onto Mr. Lawson do we have a responsibility. Public Works Director Smith stated we have not added or changed any culverts. Member Meadows asked how many years have we blacktopped over blacktop creating water running on the top of the roads. Attorney Brammell stated this could have created an issue that we may need to correct. Mayor Stephens stated we have been discussing milling in some areas of town due to the many layers of blacktop. Public Works Director Smith stated that we have previously dug a diversion ditch to the left of Mr. Lawson's trailer to take the water to the back of the property and also one in the front. Mayor Stephens suggested doing this again on both sides of the street. Public Works Director Smith stated we have never done this on the other side of the street which would create a whole new set of problems with easements, drainage ditches, culverts, etc. The only way to really fix the problem is to put culverts along one side of the street and ditch, but we will have to do this all over town once we start. Member Armstrong stated we do sidewalks which are not our responsibility so why don't we do the drainage. Mayor Stephens stated we can dig out on one side and look at the other side to dig out and put in culverts. Mr. Lawson stated it will do no good to do one side if not the other. Mayor Stephens stated this will be investigated and he will give Mr. Lawson an answer in writing on how we are going to proceed, if at all.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on August 8, 2011 and the minutes of the special called session held on August 9, 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.

Subject: Alcohol Ordinance Amendment – Attorney Brammell held the second reading of a summary ordinance amending the alcohol ordinance changing the hours for Sunday sales from 1:00 p.m. to 7:00 p.m. to 1:00 p.m. to 11:00 p.m. Member Shroyer stated that he originally objected to the sale of alcohol by the drink on Sunday. He believes the original plans for allowing alcohol by the drink was to help the Renaissance Faire be able to build a hotel on the property and this has not happened and may not happen. Allowing alcohol by the drink on Sunday has allowed other businesses to expand and there will probably never be a hotel. Member Shroyer stated he will be voting against the passage of this ordinance amendment. Mayor Stephens reminded Council that the request to change the hours came from another business in town and the 7:00 p.m. quitting time on Sunday was originally set due to that being the time the Renaissance Faire ended. Per his discussions with Mr. Frederick of the Renaissance Faire, the hotel is still planned. Motion made by Member Mason and seconded by Member Armstrong to adopt the ordinance as read. On a call of vote by Clerk Doane, Members Mason, Armstrong, Meadows, Browning and Troxell voted “Yea”. Member Shroyer voted “Nay”. Motion carried. Member Meadows inquired if the 70% food requirement is checked by anyone. Mayor Stephens stated it is checked by the Alcohol and Beverage Control in Frankfort.

Subject: Ad Valorem Property Tax Ordinance - Attorney Brammell held the second reading of the ad valorem property tax rate ordinance setting the rate for 2011/2012 at .301 per \$100.00 assessment for real property; .301 per \$100.00 assessment for personal property and .266 per \$100.00 assessment for motor vehicles and watercrafts. Motion made by Member Meadows and seconded by Member Mason to adopt the ordinance as read. On a call for 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 344 for August. Nineteen individuals were arrested on forty-eight separate charges. The Department had seven driving under the influence and three other alcohol related incidents. Member Armstrong thanked the police department for finding the missing coke machine and most of the soft drinks.

Subject: Property Ordinance Enforcement Report – Chief Duncan stated he has no property ordinance violations to report. Mayor Stephens asked Council to call if they see any areas that need mowing. Lots of improvements have been made at the former Hispanic grocery.

Subject: Police Comments – None.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported that most of the Elm Street sidewalk work is complete with cleanup still to be done. The sidewalk at Family Physicians is complete with the next three properties being marked off and ready to start soon. Penn Avenue sidewalk is complete. There is a small section in front of Browning’s which we are going to do

ourselves since we now have a good concrete man on staff. We will be getting the concrete free from the construction site from their leftover concrete. The street paving is scheduled to start the end of the month along with the milling of the required streets. Mr. Smith reported that the biggest problem in trying to help with the drainage on Merriweather is going to be digging and putting the ditch on the other side.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that the delinquent taxes have been published in the paper as requested and will be on the website for the next 30 days as required. Clerk Doane reported that we received \$5,009.83 from the Commonwealth of Kentucky for HB290 as health insurance subsidy for being on the state’s plan. Clerk Doane reported we have received \$1,000.00 reimbursement from Henry County Fiscal Court for the Fire Department Financial Statements. Clerk Doane reported both general ledgers for fiscal year ending June 30, 2011 have been taken to the auditors on August 19th for commencement of the audit. Mayor Stephens reported that publishing the delinquent property taxes probably will not be very effective and that we may do small claims next year instead. Mayor Stephens asked Council to be sure to read the nice article in the Kentucky City magazine about Clerk Doane’s receiving the 2011 Clerk of the Year Award.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed six total runs and special details in August for 71 ½ total man-hours. Member Meadows reported that the rescue truck has already potentially saved someone’s life. Member Meadows reported that the “no burn” has been lifted. Member Meadows reported that the Fire Department will be receiving a generator paid for by Emergency Management Services which can run the police and fire stations in the event of a power outage.

Subject: Festivals Update – Member Armstrong reported that Eminence Day went well with attendance down just a little, probably due to the rain. Leo Mason’s band, which was rained out, has re-scheduled and will be playing on Saturday, September 17th. This event has been moved to the City Hall parking lot. Almost Country will also be playing on Saturday, free of charge. A big screen television will be set up for the UK/UL ballgame. Member Armstrong stated she is working on a fundraiser for a teacher at the school who has cancer.

Subject: Parks Update – Mayor Stephens suggested we look into upgrading the security cameras at the park in next years’ budget for a cost of around a \$1,000.00.

Subject: Community Center Report – Mayor Stephens stated he had no report. The next meeting will be on Thursday, September 15, 2011.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – No one present who wished to address the council.

Subject: Garbage Franchise - Mayor Stephens stated it is time to start working on the garbage franchise renewal and he stills wants to look into recycling again. Attorney Brammell stated the next step is passage of a resolution.

Subject: Gas Franchise – Mayor Stephens stated Clerk Doane was told at a training session that we have to have a gas franchise. After having Attorney Brammell look into this it was determined there is no legal requirement on the City to have one, but on the gas company. No penalty is there against either party. A gas franchise can generate more income for the City, but any franchise tax will just be passed on to the citizens. Attorney Brammell stated that sometimes the companies will pay just a flat amount and not pass it on to the citizens. Mayor Stephens stated he would investigate into this for the City.

Subject: Cable Franchise – Mayor Stephens reported that Insight Cable is merging into Time Warner with them to adopt the old franchise. Upon investigating this, it was found that ours is expired. Mayor Stephens reported he will be working on getting a new agreement which will include free internet and cable for all the City offices. Attorney Brammell stated we can do an exclusive or a non-exclusive franchise and believes the old one with Insight is non-exclusive.

Subject: Mayor's Update –Mayor Stephens reported he has had an offer to purchase the old fire pumper truck for \$1,000.00 from Steve Cook. We have already declared the vehicle as surplus and taken bids on it with it being decided to scrap it out, however we have been waiting on Tony Harlow to get his truck fixed so he can haul it for us in exchange for the tires. We could possibly get \$2,500.00 in scrap for it, but it may be a long time happening. Mayor Stephens stated he asked Mr. Cook if he would give \$2,500.00 for it and he said no. Mayor Stephens stated he also received another offer of \$1,300.00 for the fire truck and the old bus. It was determined that we do not own the bus. Motion made by Member Troxell and seconded by Member Mason to accept the offer of \$1,000.00 from Steve Cook for the 1975 Pierce Ford Fire Pumper truck on the condition that it be moved out of the City limits within 10 days. On a call for vote by Clerk Doane, all members present voted “Yea

Mayor Stephens stated it has been requested that we install speed bumps on Darlene Street and Eminence Terrace due to excessive speed and a large amount of kids on both streets. Discussion held with it requested that they not be as big as the ones by the City Park. Motion made by Member Mason and seconded by Member Troxell to authorize the installation of two speed humps on Eminence Terrace and one speed hump on Darlene Street. On a call for vote by Clerk Doane, all members present voted “Yea”.

Mayor Stephens stated he would like to consider an ordinance to require fences between industrial and residential properties. The property at the corner of South Main Street and Owen Street has been cited since no real efforts have been made to clean this up. Planning and zoning is also getting involved at this property.

Subject: Halloween Observance – Consensus of Council to observe Halloween on October 31st with Trick or Treat on Main with the businesses from 4:00/6:00 p.m. and residential trick or treating from 6:00/8:00 p.m. The Renaissance Faire is doing an event on October 29th from 6:00/9:00 for kids and an adult party later.

Subject: Zoning B-3 Discussion – Mayor Stephens reported that he has checked and it is permitted for sleeping in a business within a B-3 zone. We can require certain other conditions under our property ordinance.

Subject: Financial Commitment to Economic Development – Mayor Stephens reviewed a request from the County to participate in funding an economic development program in Henry County. Member Troxell attended a meeting on behalf of the City about this and the estimated total cost would be a minimum of \$50,000.00 a year for a three year commitment. They are trying to promote Shawnee Industrial Park in Eminence. Discussion held including possible areas that this might be taken from in the budget. Council in agreement to consider this at \$5,000.00 per year for the next three years. Attorney Brammell stated it was okay to have a consensus to consider, but it would have to come back for a vote if the program comes to light.

Subject: New Business/Council – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Armstrong stated she would like to consider an ordinance to require a certain color palette for businesses within the City. Discussion held with it noted that this was very controversial in New Castle when they tried to do this. Member Shroyer stated that several businesses took advantage of a façade grant several years ago to do their work and color palettes were discussed then as well. This would have to be done as part of a comprehensive effort. Council in agreement for Attorney Brammell to research this and look at limits we might could set.

Subject: Warrants - The warrants presented for payment were reviewed. Motion made by Member Meadows 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: Park Grant – Mayor Stephens stated he was given a September 1, 2011 date as a deadline to hear from our park grant. He has heard nothing.

Subject: Closed Session – None needed.

With no further business to be discussed, motion made by Member Armstrong and seconded by Member Meadows to adjourn. All members present voted “Yea”. Meeting adjourned at 8:14 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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