

The City Council of the City of Eminence, Kentucky met in a regular session and public hearing on Monday, April 8, 2013 at 6:00 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Polly Troxell, Tom Shroyer, Treva Browning, Danny Meadows, and Lee Ann Armstrong. Absent was Leo Mason. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Police Officer Todd Rankin, Henry County Local Representative Brad Bowman, Citizens Jerry Clark, William Mason, Kimberly Mason, Wesley Morrison and Gene Baker.

Mayor Stephens called the public hearing portion of the meeting to order at 6:00 p.m.

Pledge of allegiance held.

**Subject: Public Hearing – Land and Water Grant** - Mayor Stephens reported that the City is re-applying for a land and water grant for further development of Coach D Park. The grant has a maximum amount of \$75,000.00 and is a 100% match. The City will be asking for a total project cost of \$120,000.00 which would be \$60,000.00 grant and \$60,000.00 match. Our project scored the highest of all projects last year but was denied at the Governor's level for some reason. Mayor Stephens stated the project will include renovating the tennis court and bathhouse and the addition of a splash pad. Mayor Stephens asked for public comments and passed out project concurrence forms. Citizen Wesley Morrison asked about the timeline for the project. Mayor Stephens stated the grant is due by April 30<sup>th</sup> and it will probably be November before we would hear and then probably March of 2014 before the project actually starts. Mr. Morrison stated he felt the splash pad would be a great idea for the kids in the community.

With no further comments or questions, Mayor Stephens asked for a motion to adjourn the public hearing. Motion made by Member Meadows and seconded by Member Browning to adjourn the public hearing portion of the meeting. On a call for vote by Clerk Doane, all members present voted "Yea". Public hearing adjourned at 6:15 p.m.

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

**Subject: Resolution Approving Land and Water Grant Application** – Attorney Brammell read the resolution approving the application for a land and water grant. Motion made by Member Shroyer and seconded by Member Meadows to adopt the resolution as read authorizing the application for a land and water grant in the amount of 50% of the total project cost of \$120,000.00.

**Subject: County Update** – Mayor Stephens stated that Magistrate Scott Bates is unable to be present tonight. Mayor Stephens stated he is encouraging our second magistrate to start attending our meeting.

**Subject: Red Cross Blood Drive** - Gene Baker with the American Red Cross was present to request the City's help in having a successful blood drive at the Eminence School. Mr. Baker stated his region is responsible for supplying blood to 55 hospitals in this area. The Eminence School drive is not producing enough as usually only juniors or seniors are old enough to donate. The Red Cross needs a minimum of 15 units to hold a drive. He is suggesting making the next drive a community drive along with the school. The next scheduled blood drive is scheduled for May 6, 2013 from 2:00 to 6:00 p.m. and will be at the Community Center. Every two seconds someone needs blood with 38,000 pints needed a day. Blood is divided into three different components. There will also be a drive on June 20, 2013 at the Henry County Library. Mr. Baker is asking the City help spread the work on these two blood drives. They provide everything except the donors and would like for the City to embrace the project and make it our project. Individuals can donate every eight weeks.

Mayor Stephens suggested putting this on our Face book pages and to post personally; hang up posters; and possibly put out a Code Red call. City Clerk suggested putting this on the City's website, as well. Red Cross will put this in the local paper, but historically only 2% is collected from advertising with 60% being collected because someone was personally asked to donate. If desired, appointments can be made for donating. This will allow them to have plenty of help if we are going to have a large crowd. Mr. Baker will give us a contact person after he confirms with them.

**Subject: K & B Bargain Outlet – Problems with Adjoining Properties** – Bill Mason with K & B Bargain Outlet located at 4871 North Main was present to express his concerns about the condition of some of the properties on North Main and especially beside his business. Mr. Mason stated, in addition to his property, he has also tried to purchase the building to the south of him; but has run into roadblocks on this. It has been vacant for over seven years with the owner being incarcerated. In his search he found out that Henry County sells their taxes and he cannot afford to purchase it and pay the taxes too. Mr. Mason stated he would appreciate any help the City can give him on this.

Mr. Mason stated that the property on his north is supposed to be a business, but there are about 15 people living in the building. Mr. Mason stated he has read our ordinance which states it is a violation of the maximum occupancy regulations if they have more than four people per 1,000 square feet. They cook on the property and he is now getting rats which are tearing up his ductwork and ceiling tiles. If you look in the window, everything is a mess. They put rotten stuff in the can by his building which stinks and draws flies. Mr. Mason stated he has paid someone \$100.00 to clean up behind his building; but the neighbors go back there and party. He needs help with this situation. Mr. Mason stated he feels sure that illegal acts are being committed at this property. Mr. Mason stated he has spoken to both the Mayor and Police Chief previously about this situation.

Attorney Brammell stated that planning and zoning allows property which is zoned B to be used as a residence and he doesn't believe it addresses the number living there. Mr. Brammell stated it is possible our property enforcement ordinance addresses the number of people living there if we can document that number some way. The Police Department must catch the individuals doing an illegal act before they can be charged. Mr. Brammell stated Mr. Mason might be able to address the garbage problem through the health department.

Attorney Brammell stated that the property on the south side of Mr. Mason went into foreclosure a few years ago and the first mortgage holder is willing to convey the property, but not the second mortgage holder. It might be possible to force a sale on the property and get the tax entities to accept pro-rated taxes.

Mayor Stephens stated he and the Police Chief will work on the conditions at the property on the north side of Mr. Mason by using our property enforcement ordinance. A letter will have to be sent to the owners giving them time to fix the problems before they can be cited into the court system. Member Shroyer stated the ordinance gives us procedures to get inside the property to inspect the interior, particularly if rental property. Mr. Mason stated a State Trooper went inside and told him that he was going to call Child Protective Services.

Mr. Mason stated he is just so frustrated with the constant stinky trash and lack of respect for the neighbors being shown by the people next door. He wants it cleaned up for development.

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on March 11, 2013 were reviewed. Mayor Stephens asked for any additions or corrections to the minutes. With no additions or changes forthcoming, Mayor Stephens stated they would stand approved as presented.

**Subject: Ordinance Updating Pay/Classification Plan** - Attorney Brammell held the second reading of an ordinance updating the City's Compensation Plan to include the consumer price index increase of 1.7408%. Motion made by Member Meadows and seconded by Member Troxell to adopt the ordinance updating the City's Compensation Plan to include the consumer price index increase as read. On a call for vote by Clerk Doane, all members present voted "Yea".

### **REPORTS:**

**Subject: Police Department Report** – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan stated they had 199 total contacts for the month. Five individuals were arrested on twelve separate charges. The Department had no alcohol related enforcement.

Chief Duncan reported there were no property ordinance violations this month.

**Subject: Public Works Department Report** – In the absence of Public Works Director William Smith, Mayor Stephens reviewed the monthly activity report with council. Mayor Stephens reported the department has been very busy this month with routine items as well as assisting with concerns at the CVS development. They also mulched the traffic island, at City Hall and at the Penn Avenue Park area. Most of the tulips donated last year by the Garden Club have come up. Mayor Stephens stated the department replaced one of the large meters at the Housing Authority today.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that we have collected approximately 96% of the 2012 tax bills as of April 4, 2013.

Clerk Doane reported we have received the quarterly HB 413 payment in the amount of \$2,616.91.

Clerk Doane reported that the budget is being worked on for the new fiscal year and should be ready in a few days.

**Subject: Fire Department Report** – Member Meadows reviewed the Fire Department report with council which showed six total runs and special details in March for total man-hours of fourteen and a half. Member Meadows stated that the department turned in their budget which is higher due to required updates to equipment and more training. Member Meadows stated it is imperative that we take care of these two items in order to keep our insurance rates low.

**Subject: Festivals Update** – Member Armstrong stated the festival committee is working hard with major changes being made in the Little Miss and Mister. The sub-committee is applying for official “Festival Pageant Association” status for Eminence. Member Armstrong stated we are competing against several other events again this year including an event at the Winery and also Froggy Field Day at the Renaissance Fair. Last time they held this on the Friday prior to Eminence Day which actually helped our event. The committee considered changing our event but decided against it as we have always had this on the second Saturday in August. The music is all set with the possibility of having the choir at the pageant site.

**Subject: Parks Update** – Mayor Stephens stated he wants to cancel his original called parks committee meeting; but would like to discuss proceeding with the addition of a second pavilion this spring. Consensus of council to authorize proceeding and to include covering the inside rafters. Member Armstrong asked if the wooden privacy fences could be taken down in front of the bathrooms to help with the ability of individuals to hide. Discussion held including that doing so might allow individuals to see inside the bathrooms. It was decided to try cutting them down shorter. Discussion of other vandalism held. Chief Duncan suggested moving the doors to

the other side of the building so it can be seen from the road. Council thought this was a good idea. Mayor Stephens will look into doing this.

**NEW BUSINESS:**

**Subject: Open Citizen Comments/Questions – None.**

**Subject: Ordinance Closing Public Way –** Mayor Stephens stated we need to continue with additional closing of a public way behind the old service station on North Main as the CVS developers want this closed to prohibit possible zone changes on Elm Street which might want to use the alley. All of the adjoining owners have signed off on this request. Attorney Brammell held the first reading of an ordinance closing a public way.

**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. Council reviewed the limited land lease agreement. Motion made by Member Meadows and seconded by Member Armstrong 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: Alcohol Ordinance Amendment –** Mayor Stephens asked Member Armstrong to review the requested change to the alcohol ordinance. Member Armstrong stated that since we adopted the mandatory server training it has come to her attention that we should have allowed only the “STAR” training through the ABC in Frankfort and this amendment will make that change. Attorney Brammell held the first reading of a summary ordinance amending the alcohol ordinance to require that the responsible beverage training program required be that sponsored by the Kentucky Alcoholic Beverage Control Commission known as “STAR”. Member Armstrong reported training will be available on May 21 and 22 at the Extension Office with one being during the day and the other at night. Businesses will be notified of this training.

**Subject: Revised Animal Ordinance –** Mayor Stephens asked council members to take the revised animal ordinance home for in-depth review prior to next month’s first reading. Member Meadows asked if this is the same ordinance being presented to Fiscal Court for passage. Chief Duncan stated he is not sure but would check. Attorney Brammell suggested letting us tweak it first before we ask Fiscal Court to adopt the same one. Council requested a copy of the current ordinance for comparison.

**Subject: HB 119 –** Nothing to report.

**Subject: Mayor's Update** – Mayor Stephens reminded Council of the CDBG check presentation to be held on Wednesday, April 17<sup>th</sup>. No time known yet.

Mayor Stephens stated he has been asked by Member Meadows to put advance notice in the paper on the changes to the garbage franchise to help eliminate the untrue rumors going around. Consensus to proceed with doing this.

Mayor Stephens stated the Chamber Awards Dinner is to be April 25<sup>th</sup> at 6:30 at the Christian Church and if anyone wishes to attend to let Sandy know by the 19<sup>th</sup>.

Mayor Stephens scheduled a budget committee meeting for April 26, 2013 at 9:00 a.m.

Mayor Stephens reported that the zone change request discussed at the previous meeting has been officially made to Planning and Zoning. Their meeting will be on April 10<sup>th</sup>. Attorney Brammell suggested having someone from the City at the meeting to express our desire to allow but with no alcohol related sales at the location. Member Armstrong will attend this meeting for the City. Member Troxell asked what the Robinson zone change was being requested for. Mayor Stephens stated he wants to expand his business and needs more room. This will come back to us for final ruling.

Mayor Stephens reported on a recycle event to be held on May 11, 2013 by the Christian Church.

**Subject: New Business/Council** – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Armstrong asked how to require businesses to have their employees take the “Star” training if they have already completed another type. Attorney Brammell stated we cannot until their current training certificate runs out, then we can require the “Star” training.

Member Armstrong commended the City personnel for responding to the fire at the School today in record time – all departments, Fire, Police and Public Works were there quickly to assist. As a parent she felt good about this. Also Brad with the Local updated on Face book immediately which helped a lot of parents to feel okay.

Member Meadows stated his concern with the loud muffler on the paper person's car which is waking everyone up early. He believes this has been addressed by the Police Department.

The new Cash Express business was discussed and the fact that they are in the streets yelling at people passing by and also have balloons tied to our street poles and signs everywhere. Mayor Stephens stated he has addressed the balloons today. Chief Duncan stated if they are not actually in the road he cannot do anything.

**Subject: Warrants** – The warrants for payment were presented and reviewed. Motion made by Member Troxell and seconded by Member Meadows to approve the warrants for payment as presented. 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 Armstrong and seconded by Member Meadows to adjourn. All members present voted “Yea”. Meeting adjourned at 7:43 p.m.

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DRANE STEPHENS, MAYOR  
CITY OF EMINENCE, KENTUCKY

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