

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, May 13, 2013 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 were none. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Insurance Agents Jeff Stiles and Larry Mitchum, Magistrate Scott Bates, Henry County Local Representative Brad Bowman, Citizens James Baker, Dennis Yeary, Jason Brown and Harrison Robinson.

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 give a County update. Mr. Bates reported that the County has had their first reading of the budget which shows revenue up slightly helping to present a balanced budget. The proposed increase of \$5.00 per property to the fire district taxing fee was voted down. The vote resulted in a tie with Judge Brent casting the tie breaking no vote to cause this motion to fail. A revised proposal will be going back for possible future vote. The fire departments really need these additional funds as federal requirements are becoming more stringent.

**Subject: Zone Change Requests** – Harrison Robinson was present to discuss his zone change request for 5995 South Main from B-2 and R-1 to a B-3 zone. Planning and zoning has recommended approval of this change. Member Shroyer asked Attorney Brammell to relate the differences between uses in B-2 and B-3. Attorney Brammell reviewed the uses, basically indicating that B-3 was for downtown business and B-2 was for highway business. Attorney Brammell stated the council can approve or reject planning and zoning's recommendation, consider the evidence and use the information submitted to planning and zoning with the application, or have our own hearing requiring evidence submittal. Member Shroyer asked Mr. Robinson why he wants this change. Mr. Robinson stated he wants to put additional equipment on the back of the property. Discussion held. Motion made by Member Shroyer and seconded by Member Browning to approve the zone change as recommended by planning and zoning for Harrison Robinson at 5995 South Main Street allowing the change from B-2 and R-1 to B-3. On a call for vote by Clerk Doane, all members present voted "Yea".

Dennis Yeary and Jason Brown were present to discuss the zone change request for 4851 Jackson Road from R-2 to B-2. Planning and zoning has recommended approval of this change with a statement of special conditions that alcohol will not be sold or consumed on the property with said special condition to remain with the property even if a different owner of the property exists. Attorney Brammell stated the council has the same three options as listed above on this zone change request. Discussion held. Motion made by Member Meadows and seconded by

Member Mason to approve the zone change as recommended by planning and zoning for Jason Brown at 4851 Jackson Road allowing the change from R-2 to B-2 with the statement of special conditions that alcohol will not be sold or consumed on the property and that the special condition remains with the property regardless of ownership. On a call for vote by Clerk Doane, all members present voted “Yea”.

**Subject: Elm Street Trailer Remodeling Issue** – James Baker was present to discuss an issue with his property located at 213 Elm Street. There is a trailer behind the house which he has been working to remodel and clean up. He got permission from planning and zoning to put a roof on the trailer and enclose it thus making it a permanent structure. No building permit was issued as it was considered maintenance only. The City has requested he stop this project as it sets on top of a force and gravity sewer main and enclosing it would make it no longer a moveable structure should we need to repair the mains. Attorney Brammell stated anything that is built on an easement gives the City the right to remove whatever is in the way and make repairs. Mr. Baker can do what he wants, but it would be subject to having to be torn down in the future. Member Shroyer stated he remembers a previous council voting that no replacement of the current trailer at this location would be allowed after the one there is moved out. He stated he also remembers that several years ago a garage was built on Broadway which was documented to being located on a main and at risk of losing the structure. Mr. Baker asked if there could be other options rather than tearing the structure down should repairs need to be made to the mains. He purchased the property from his grandmother in 1994 with no knowledge of an easement. Mayor Stephens stated the easement was from 1958. Public Works Director Smith reported that the main is constructed of cast iron pipe which could be a potential future replacement project. Attorney Brammell stated this is not anything that requires an action by the council and that we have an enforceable easement. It is not our responsibility to spend more money to make repairs to our main by trying to replace or repair the main with the structure still there. Anything Mr. Baker does he does at his own risk.

**Subject: Property, Casualty & Other Insurance Bids** – Mayor Stephens stated he received four bids on our property, casualty and other lines of insurance renewal including our current carrier, EMC. The bids were as followed:

EMC/KEMI - \$68,055.32 (Bid per Specifications)  
Travelers/KEMI -\$66,888.84 (Variations on Deductibles & Specifications)  
Lloyds/KEMI - \$63,570.19 (Variations on Deductibles)  
KLC - \$87,439.00 (Some Variations From Specifications)

Larry Mitchum and Jeff Stiles, with Curneal and Hignite our current agent, were present to review the bids. A comparative spreadsheet was reviewed. Mayor Stephens pointed out that Member Shroyer helped to write and review the bids. Mr. Stiles pointed out there is no loss control on the Lloyd’s bid and we would be working with a third party adjuster on any losses with appointed attorneys if any are needed. If we choose Lloyds we would be the first public

entity in the state to go with them, so there are no in-state references to check. Mr. Stiles stated that Vicky Games, an employee of Curneal & Ignite is an Independent Licensed Claims Adjuster and has the authority to represent EMC. It was pointed out that some of the bidders quoted higher deductibles in some areas. Member Shroyer stated it is his recommendation that when quotes are close in amount and you have a good experience with claims it is better to stay with your current company. He pointed out that if EMC had increased the deductibles as quoted by the other companies their bid would be less as well. Discussion held. Motion made by Member Shroyer and seconded by Member Mason to accept the bid from EMC/KEMI in the amount of \$68,055.32 total with the reason being the higher deductibles on the other quotes, good customer service history with EMC, and to maintain continuous service with the same company as we are currently using and having a claims adjuster with our current carrier. On a call for vote by Clerk Doane, all members present voted "Yea".

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on April 8, 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 Closing Public Way** – Attorney Brammell held the second reading of an ordinance closing a public way behind the old service station on North Main for the CVS developers. Motion made by Member Meadows and seconded by Member Browning to adopt the ordinance closing a public way as read. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Alcohol Ordinance Amendment** – Attorney Brammell held the second 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". Motion made by Member Meadows and seconded by Member Troxell to adopt the ordinance as read. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Trash Cart Deposit** – Mayor Stephens reported we are currently charging a \$10.00 security deposit for trash carts and since we are switching companies maybe this would be a good time to stop doing this as \$10.00 is not sufficient anyway and the carts are not our property which according to our auditors we should not be putting a deposit on. Also, not everyone in the City has been charged this deposit, only new customers since the ordinance was changed requiring this deposit. Question asked as to whether we will be billing everyone in town a deposit when the new cans are received. Attorney Brammell stated this deposit charge may be a part of the agreement with Rumpke so we would have to make sure they are okay with deleting this deposit. Consensus of council that if Rumpke is in agreement to proceed with changing the

contract and amending the ordinance to do away with the trash cart deposit. Discussion held that it might still be preferred that cart distribution be done by the City rather than Rumpke after the initial delivery. Mayor Stephens stated Rumpke plans to put out a notice to all the residents at their expense detailing information on the new service and rates. They are scheduled to deliver the new carts on the 28<sup>th</sup> and 29<sup>th</sup>.

### **REPORTS:**

**Subject: Police Department Report** – In the absence of Police Chief Carey Duncan, Mayor Stephens reviewed the monthly activity report with council. Mayor Stephens reported they had 211 total contacts for the month. Seven individuals were arrested on ten separate charges. The Department had three driving under the influence and three other alcohol related charges. Mayor Stephens reported a burglary on Hillcrest Drive is in the process of having an arrest made.

Mayor Stephens reported several high grass warnings have been issued. Several problem areas in town were discussed.

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported the department has been busy this month with installation of the new water main, hydrants, and manholes at the CVS site. The environmental people finished up their work at the site today. Mr. Smith reported that employee; Troy Popp has successfully completed his Class Two Certified Operator license in wastewater. He now has all three required certifications which he has obtained in two years.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council, reporting that we have collected approximately 97% of the 2012 tax bills as of May 6, 2013.

Clerk Doane reported that insurance premium tax and occupational tax/net profits collection is still on target to meet or exceed the current budget.

Clerk Doane reported that the budget for the new fiscal year is complete.

Clerk Doane reviewed the third quarter budget comparison with council noting most areas being on target. There may be a few budget line item changes to be made before July. Mayor Stephens complimented Clerk Doane and her office staff on the great job on the budgets. He stated he appreciated all the departments and the budget committee for all their hard work and dedication to keeping within the budget.

**Subject: Fire Department Report** – Member Meadows reviewed the Fire Department report with council which showed ten total runs and special details in April for total man-hours of thirty-one. Member Meadows requested to move \$4,000.00 from Category 900 (Gas & Oil) to Category 260 (Equipment) and \$2,900.00 from 940 (Training) to 916 (Miscellaneous) in order to

be able to start purchasing some of the new mandated equipment replacement. Member Meadows stated they will probably spend approximately \$6,500.00 to 7,000.00 this year on this new replacement equipment. This equipment will be replaced over a three year span. They also plan to purchase some pants and a couple of jackets to have as spares. Motion made by Member Armstrong and seconded by Member Mason to approve these line item changes for the Fire Department. On a call for vote by Clerk Doane, all members present voted “Yea”. Mayor Stephens stated that when he was working with getting the new heating and air system installed at the police and fire station he noticed a huge amount of junk piled up in the area where the units are located which must be moved. Member Meadows and Shroyer stated they plan to get a dumpster and get this taken care of soon.

**Subject: Festivals Update** – Member Armstrong stated that the DJ in the Park event is scheduled for June 1<sup>st</sup> from 4:00 to 8:00 p.m. Events include a 3 on 3 basketball tournament; a six person volleyball tournament, DJ and concessions. The group doing the concessions will be doing the cleanup as their repayment for being allowed to have the concession.

Member Armstrong reported that she and Melissa Thompson have approached the school about having the Eminence Day Little Miss and Mister Contest at the WAC with the football parking lot to be used for parking. The school said yes, but will need some paperwork filled out.

**Subject: Parks Update** – Mayor Stephens stated the committee met and picked a site for the new pavilion. The bathroom issue was discussed again with moving of the bathroom doors to the other side being deemed as not a feasible solution as the prices he is getting to move the doors is several thousand dollars. Mayor Stephens stated he would like to propose a smaller structure with bathrooms that have the doors facing the street and destruction of the existing building as it leaks and continues to be high maintenance. A separate storage area would need to be included in new construction as well. He stated that the Land and Water grant includes money for renovation of the bathhouse, which we would probably be allowed to use toward new construction if the grant is received. The foundation would already be there from the existing building. Consensus of council for the Mayor to proceed with getting some tentative drawings and pricing for this proposal to bring back to council.

### **NEW BUSINESS:**

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

**Subject: Request for Proposals for CDBG Grant Administration** – Mayor Stephens reported we received four responses to our request for proposals to administer the CDBG grant. Grading of the proposals was required by two individuals with him and City Clerk Doane doing this. Proposals with cost were received from the following firms:

Community & Economic Development Associates (CEDA), Richmond, KY - \$30,000.00  
Kentucky & Indiana Planning & Development Agency (KIPDA), Louisville, KY - \$28,000.00

FAHE Consulting, LLC, Berea, KY - \$32,000.00  
Mayes, Suddererth & Etheredge (MSE), Lexington, KY - \$40,000.00

Based upon the scoring which included experience in project management, knowledge of the proposed project, staff qualifications, quality of proposals and price of proposal, Mayor Stephens recommended hiring CEDA as our CDBG Project Administrator. A resolution was read to hire CEDA as our CDBG Project Administrator. Motion made by Member Meadows and seconded by Member Troxell to accept the proposal from CEDA for grant administration and to authorize the Mayor to enter into a contract with CEDA as it was determined that based upon the overall scoring they are the best fit for the City due to their previous involvement and awareness of our project. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Mayor's Budget Message & Budget Presentation** – Mayor Stephens presented the fiscal year July 1, 2013 through June 30, 2014 budget and summarized his budget message (of which all had a copy) and reviewed some of the major expenditures in each department. Mayor Stephens stated he has authorized the purchase of one Tahoe police cruiser in the current fiscal year budget with two more in the budget to be purchased within the next budget. He plans for these to be spread out over the next 15-18 months. The three 2005 vehicles will be the ones replaced.

**Subject: Budget Ordinance FY 7-1-13/6-30-14** - Attorney Brammell held first reading of the budget ordinance for fiscal year July 1, 2013 through June 30, 2014.

**Subject: Amendment to Zoning Ordinance Summary** – Attorney Brammell held the first reading of a summary ordinance amending the zoning ordinance to require the minimum road frontage to be contiguous on all tracts. Attorney Brammell stated this amendment will probably never affect the City and is mostly for the County.

**Subject: Animal Ordinance** – Mayor Stephens stated he is postponing the first reading of the updated animal ordinance to allow Council time to study.

**Subject: Mayor's Update** – Nothing additional to report.

**Subject: New Business/Council** – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Mason stated he has been asked to get the portable basketball goals out of the streets and the kids off the road. Mayor Stephens stated he would have the police inform all that they will need to put them in their yards and stay out of the road.

Member Shroyer inquired about the concerns from last month on the North Main Street properties beside K & B Bargain Outlet. Mayor Stephens stated that Chief Duncan and the State Police have inspected the property on the interior and it has a clean bathroom, kitchen and laundry facilities, so there is nothing on the interior to require ordinance compliance. Mr. Mason has been informed that he will have to proceed with his concerns as a civil matter.

It was discussed that the property on Short Street behind the Baptist Church needs citing for various property ordinance violations. Mayor Stephens stated he will take care of this concern.

**Subject: Warrants** – The warrants for payment were presented and reviewed. Motion made by Member Troxell 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: Closed Session** – None needed

With no further business to be discussed, motion made by Member Meadows and seconded by Member Armstrong to adjourn. All members present voted “Yea”. Meeting adjourned at 8:25 p.m.

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DRANE STEPHENS, MAYOR  
CITYOF EMINENCE, KENTUCKY

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