

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, September 9, 2013 at 6:15 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Polly Troxell, Treva Browning, Danny Meadows, Lee Ann Armstrong, and Leo Mason. Absent was Member Tom Shroyer. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Police Chief Carey Duncan, Magistrate Scott Bates, K.U. Representative Alan Mattingly, Henry County Local Representative Brad Bowman, CEDA Representative Bryan Kirby, Lieutenant O.C. Jones, Citizens Billie Detwiler, Gary Cook, Dennis Yeary, Martha Jo Case, Kellie Dixon and Joe Lawson.

Mayor Stephens called the meeting to order at 6:15 p.m. Mayor Stephens asked for a moment of silence for Member Shroyer who lost his wife today.

Pledge of allegiance held.

**Subject: County Update** – Magistrate Scott Bates reported that upon review of the first two months of their fiscal year it appears that the EMS receipts are up about \$50,000.00 which should have them running in the black this year.

Mayor Stephens stated he appreciated any part the County had in getting the Main Street paving moved up on the schedule. It is scheduled for the end of September.

Magistrate Bates encouraged everyone to attend a rally being held on Friday night in Pendleton (at the Shain lot which is the old driving range) from 5:00 until 10:00 p.m. which will include Mitch McConnell, Thomas Massie, Ernie Harris and Paul Hornback as speakers around 7:00 p.m. This way if you have any concerns they can be addressed.

**Subject: Zone Change Request – Gary Cook** – Dennis Yeary and Gary Cook were present to discuss any concerns with the zone change request recommended by Planning and Zoning for Mr. Cook's property located at 620 West Broadway from R-1 to B-2. Mr. Yeary stated that Mr. Cook is interested in trying to get a grocery store at this location. Attorney Brammell stated that Council had three options – 1.) Act upon the recommendation; 2.) Do nothing and it would automatically pass; or 3.) Have our own hearing at a later date. Member Meadows asked what the Board members' issues who voted against this zone change were. Mr. Yeary stated he was not sure, but possibly the concern was what else could be put there if allowed to change. They cannot guarantee a grocery store, but that is their ambition. Member Troxell stated she feels Mr. Cook has complied with the stipulations we have asked for. Member Armstrong stated no one

wants to see an empty lot. Motion made by Member Mason and seconded by Member Armstrong to approve Docket #2013-03Z for a zone change from R-1 to B-2 for Gary Cook at his property located at 620 West Broadway as recommended with stipulations by Planning and Zoning. On a call for vote by Clerk Doane, voting “Yea” were Members Mason, Armstrong, Browning, and Troxell. Voting “Nay” was Member Meadows.

**Subject: Speed Bumps** – Kellie Dixon and Martha Jo Case were present to discuss the proposal for speed bumps on Zelcova Drive and in Arborview Subdivision. Ms. Dixon thanked Council for the proposal and the signs already installed; but stated she felt two bumps were needed on Zelcova Drive. Mayor Stephens stated he felt the main concern was as cars were entering the new subdivision. Ms. Case stated she lives three houses on the right on Zelcova and they definitely need two on Zelcova as vehicles fly off of Mulberry Road onto this street. Discussion held. Consensus was to proceed with the proposal as drawn with one speed bump on Zelcova and two in the Subdivision; to add more signage and beef up the patrol in this area. Mayor Stephens reported it would be the end of the month before we can install them due to not having any hot mix at this time.

**Subject: Electric Franchise Renewal** – Alan Mattingly with Kentucky Utilities was present to answer any questions on the electric franchise renewal.

Attorney Brammell held the second reading of an ordinance creating a franchise for electric services and authorizing the sale of said franchise under sealed bid. Motion made by Member Meadows and seconded by Member Armstrong to adopt the ordinance as read and to authorize the franchise for sale with bid opening on October 14, 2013. On a call for vote by Clerk Doane, all members present voted “Yea”.

**Subject: CDBG Resolutions** – Bryan Kirby, our CDBG Project Manager, was present to review resolutions required as a part of our CDBG sewer expansion project grant. We are required to pass the federal version of all these even though we might already have some of the policies in place. Mr. Kirby summarized the following resolutions:

1. Resolution Approving Procedures for Compliance with 504 Regulations on Handicapped Accessibility (#2013-008);
2. Resolution Governing Access to Public Records (#2013-009);
3. Resolution Adopting Affirmative Action Plan (#2013-010);
4. Resolution Adopting a Title VI Implementation Plan (#2013-011);
5. Resolution Adopting a Policy Prohibiting Drug Use & Certifying A Drug-Free Workplace (#2013-012);
6. Resolution Approving a Fair Housing Policy (#2013-013); and
7. Resolution Establishing a Section 3 Plan (#2013-014).

Motion made by Member Meadows and seconded by Member Mason to adopt Resolution Nos. 2013-008; 2013-009; 2013-010; 2013-011; 2013-012; 2013-013, and 2013-014 as presented and reviewed and to authorize the Mayor to execute these resolutions. On a call for vote by Clerk Doane, all members present voted "Yea".

Mr. Kirby gave a brief project update. Mr. Kirby stated we will have to have the sludge removed prior to advertising for a contractor so we may not start the actual project until the spring. Hopefully we will be able to bid the sludge removal by the end of October.

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on August 12, 2013 and the minutes of the public hearing held on September 4, 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: Ad Valorem Property Tax Ordinance** - Attorney Brammell held the second reading of the ad valorem property tax rate ordinance setting the rate for 2013/2014 at .309 per \$100.00 assessment for real property, .3841 per \$100.00 assessment for personal property and .266 per \$100.00 assessment for motor vehicles and watercrafts. Mayor Stephens asked Clerk Doane to review the history she compiled on the rates adopted in previous years which shows that the 4% allowed rate has not been taken since 2009. Member Troxell asked if anyone would consider taking the full 4% allowed rate this year rather than the proposed compromise rate. No one wanted to do this. Motion made by Member Troxell and seconded by Member Browning to approve the ordinance as read setting the rate for 2013/2014 at .309 per \$100.00 assessment for real property, .3841 per \$100.00 assessment for personal property and .266 per \$100.00 assessment for motor vehicles and watercrafts. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Preservation Ordinance** – Nothing to report.

### **REPORTS:**

**Subject: Police Department Report** – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan reported they had 398 total contacts for the month. Fourteen individuals were arrested on thirty separate charges. The Department had four DUI's and three other alcohol related charges this month.

Chief Duncan reported no property ordinance citations issued.

Chief Duncan reported we have hired Dustin Hamilton to replace Officer Rankin and that they wish Officer Rankin the best in his new position with Simpsonville.

Chief Duncan reported that O.C. Jones has been promoted to Lieutenant. He has been a great asset and especially at the school as the kids respond well to him. Member Armstrong stated this is the season for senior projects at the school and she appreciates all the help with chaperoning and the police presence at the school.

Chief Duncan stated we are getting more shoplifting complaints now since more businesses are agreeing to prosecute.

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported the damaged driveway work on Thorne Heights is complete. Mayor Stephens stated there is a new policy in place on spreading of salt to avoid this happening again.

Mr. Smith reported that the sludge removal is more complicated and expensive than originally thought. The specifications are being worked on for bidding. Hopefully we can bid this out and have the bids back and reviewed with a recommendation to Council for the October meeting. The money saved for this over the last 18 years was underestimated and we will not have enough in this category to remove the sludge. This could come in \$50,000.00 to \$100,000.00 more than we have. We will also have to re-open our landfarm to dispose of the sludge which will take at least four months to get permitted by the State so it will be spring before we can start. May, 2015 is the CDBG grant completion deadline. He would like to bid the contractor on the expansion project so they can coordinate together. If we have to dry the sludge and take it to a landfill the price will increase substantially. We could possibly use another permitted site if one is located close by. Mayor Stephens stated we really don't know how much sludge is there as we have to get down to soil for the contractor to remove the concrete pads.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council, reporting that we have collected approximately 98.2% of the 2012 tax bills as of September 4, 2013 with not much more expected. The 2013 assessments are currently being entered in the computer. Clerk Doane reported on other miscellaneous receipt of funds including Eminence Day booth rental and pageant entry fees. Clerk Doane reported that all the onsite audit work is complete.

Clerk Doane reviewed three requests for a second leak adjustment due to the leaks spanning over several months due to issues with determining where the leaks were located. The additional adjustments are as follows:

Barbara Chadwell - \$77.50

Ann Chisholm - \$43.74

Linda Trammell - \$50.28

Motion made by Member Meadows and seconded by Member Armstrong to approve the second leak adjustments as listed above for Barbara Chadwell, Ann Chisholm, and Linda Trammell. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Fire Department Report** – Member Meadows reviewed the Fire Department report with council which showed nine total runs and special details in August for total man-hours of approximately sixty-four. Member Meadows reported that Chief Lucas informed the Fire Board that new rescue tools are needed due to the metal now being used in newer model vehicles which they cannot access with the current tools. A price quote is being obtained.

**Subject: Festivals Update** – Member Armstrong reported that she has met with the Renaissance Fair to discuss the Halloween Festival. It will be on October 26th from 7:00 to 9:00 with the Senior Class to hold the Haunted Forest and the Freshman Class to operate the concession. The admission will be a donation to the Eminence Food Pantry.

**Subject: Parks Update** – Member Armstrong reported that the school kids did some community service work at the park and that she appreciates the Local's article on this. Mayor Stephens stated the land and water grant committee will be meeting this month to review the application and he has been invited to come and give a presentation. He is trying to work this into his schedule.

#### **NEW BUSINESS:**

**Subject: Open Citizen Comments/Questions** – No one present who wished to speak.

**Subject: Zone Change Request – Dixie Moore – 400 West Broadway** – Mayor Stephens reported that a public hearing will be held on Wednesday, September 11, 2013 on a zone change request from Dixie Moore at 400 West Broadway to change her property from R-2 to B-1. The barn location on this property goes all the way from West Broadway to Sulphur Avenue. She is trying to sell this property and feels maybe it would sell better if commercial use is allowed.

**Subject: Mayor's Update** – Mayor Stephens reported that the CVS Pharmacy construction is progressing along. The entrance is causing some problems. They are running into underground springs so the paving has been held up at present. The McDonald's construction may not be postponed until January

Mayor Stephens presented a request from the School Yearbook Committee for us to place an ad in their yearbook. Per Attorney Brammell we can do one if we choose since we actually get something for our money. A full page is \$190.00. Motion made by Member Armstrong and seconded by Member Troxell to approve the purchase of a full page ad in the Eminence yearbook in the amount of \$190.00 from the Eminence School Yearbook committee. On a call for vote by Clerk Doane, all members present voted "Yea".

Mayor Stephens reported that the widening of the north end of Main Street is still being considered.

Mayor Stephens reported that changes to the open meetings and open records law require distribution of revised material. He will be getting these distributed in the next few weeks.

Mayor Stephens reported the alcohol ordinance amendment will be postponed until next month.

**Subject: New Business/Council** – Member Armstrong asked if any dollar amounts are being proposed as changes to the revised alcohol ordinance. She has been receiving calls from CVS’s attorney on this and wants to tell them correctly. Attorney Brammell stated no proposed changes are being made to the fees.

Member Meadows inquired why reserved parking signs have been put behind the insurance company on Penn Avenue with no other business receiving any. Mayor Stephens stated this was part of the agreement made when the property was donated to the City by Tom and Janice Shroyer. Member Meadows asked why others have been told to move. Mayor Stephens stated others can park back there, just not in the reserved spots and not for two weeks at a time.

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

With no further business to be discussed, motion made by Member Mason and seconded by Member Meadows to adjourn. All members present voted “Yea”. Meeting adjourned at 8:02 p.m.

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DRANE STEPHENS, MAYOR  
CITY OF EMINENCE, KENTUCKY

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

