

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, July 14, 2014 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 was none. Also in attendance were City Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Police Chief Carey Duncan, Citizens Terri Beth Dellinger, Janet Young, and Lamont Sleet, TWC Representative David Hagan, County Magistrate Scott Bates and Henry County Local Representative Chris Brooke.

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

Pledge of allegiance held.

Subject: County Business – Magistrate Scott Bates was present to report on the status of the County. Mr. Bates apologized for having to miss the past few months and encouraged the Mayor and Council to always feel free to call him if anything is needed. Magistrate Bates stated the County ended up well in the black on their budget with approximately \$80,000.00 to the good in the general fund and approximately \$186,000.00 overall in the black. Considering that Henry County is the only county close by that does not have an insurance premiums tax or an occupational tax, he feels that being well into the black is great.

Magistrate Bates stated he has spoken with the Mayor about our concerns that a daycare is being set up in the emergency squad building. The County is still keeping an ambulance in the building with a locked separation of the bay area and the daycare area.

Member Meadows asked about the status of the North Main Street widening. Magistrate Bates stated it is in the works with the movement of the utilities to be the first priority which he hopes will be put back underground. All residents will be notified prior to construction. Magistrate Bates stated that we can contact our representative, Paul Hornback, with any questions as he is very accessible. His contact number is 220-0318.

Subject: Proposed Contract for Phone/Internet Services – David Hagan with Time Warner Cable was present to review a proposal for our phones and internet service. Mr. Hagan stated he is a member of the government and education team at Time Warner. The team became aware that we have been receiving free internet at City Hall and are paying a price at the Police Department which is not available anymore. They do allow free cable for City Hall, but no free internet. Upon discovering this, he was asked to do a proposal on the phones and the internet which would not increase the cost overall for both services. Mr. Hagan reviewed a spreadsheet with Council showing the additional cost for internet and changing of phone service to TWC.

Combined City and Police Department savings came to \$15.72 per month after the initial one time setup charges.

The contract with TWC would be a three year contract. Discussion held that we no longer have a franchise with Time Warner Cable. Mayor Stephens stated that AT&T says we have a verbal agreement with them which will result in early termination fees should we leave them in the approximate amount of \$1,080.00. TWC has agreed in writing to offset these fees should they actually charge them to us. Attorney Brammell has reviewed the contract with TWC with concerns about the arbitration clause and its application to the State of New York, neither of which would be a total deal breaker. Discussion held. Mr. Hagan stated he would look into these two concerns and see if his legal department would agree to change them. Motion made by Member Meadows and seconded by Member Armstrong to authorize the Mayor to enter into the contract with Time Warner Cable to switch our phone service to them along with internet services. On a call for vote by Clerk Doane, all members present voted "Yea".

Subject: Zone Change Request – Janet Young, along with Lamont Sleets, was present to discuss a possible zone change request on King Street for several lots to R3 to allow a residential four-plex to be built. They will be compiling lots to total approximately 5,000 square feet. Attorney Brammell stated it is not appropriate or legal for the City to give an opinion ahead of time or make any recommendation on a zone change until it goes to planning and zoning first. Ms. Young stated they told her to come here first.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on June 9, 2014 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.

REPORTS:

Subject: Police Department Report – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan reported they had 284 total contacts for the month. Eleven individuals were arrested on twenty-five separate charges. The Department had five DUI's and three other alcohol related charges this month.

Chief Duncan reported there are no property ordinance violations this month or police comments. Mayor Stephens inquired about the status of the property on North Main. Chief Duncan stated he will have to check on this and get back with him.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported that a new supply of auto read meters have been ordered. Using this saves a lot of time reading meters. He did not even have to get out of the truck to read the ones we have installed already. Mr. Smith reported that the new tractor is in. Mr. Smith reported that the signs are up at the park.

Subject: Wastewater Treatment Plant Expansion Project Update – Mr. Smith stated he has meet with our engineer, Dave Derrick, on the wastewater treatment plant expansion project. As of today all the sludge has been removed with the piping and aerators to be removed tomorrow. Actual construction should start soon. Mayor Stephens encouraged the Council to go see the lagoons prior to the new construction if possible.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council, reporting that approximately 97.9% of the 2013 tax bills and franchise additions have been collected at July 9th. Liens have been filed on all remaining unpaid 2013 tax bills.

Clerk Doane reported that the Fire Department returned funds to the City in the amount of \$1,955.00. They were allowed to keep \$2,500.00 for new fiscal year startup payment of bills.

Clerk Doane reported that the occupational tax/net profits for the year ending came in at \$14,511.67 above the budgeted amount of \$302,000.00 total for all departments

Clerk Doane reported that most all account carry forward balances per the new budget came in at or slightly over the budgeted amount with only a few exceptions. Clerk Doane had attached a spreadsheet comparing the budgeted versus actual carry forward balances. Mayor Stephens praised Clerk Doane on how close the estimated carry forward balances were to the actual amount.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed five total runs and special details in June for total man-hours of approximately twenty-seven

Subject: Festivals Update – Member Armstrong reported on the last committee meeting held on July 7th. The Thompson family has the pageant well under control. The music is all set. A “bake off” will be held this year at 11:00 a.m. prior to the music starting. More information will follow on this event. The Grand Marshal this year will be Reverend Michael Duncan.

DJ in the Park is scheduled for Saturday, July 26th from 4:30 until 8:30 p.m. They have added a new event called “Chalk Walk” to be held on the tennis court.

Subject: Parks Update – Mayor Stephens stated there was nothing new to report. No new vandalism has been reported as of this date at the park.

NEW BUSINESS:

Subject: Budget Ordinance Amendment – Mayor Stephens reported that we need to amend the budget ordinance in the amount of \$13,000.00 for the Fire Department for some items which were not purchased prior to the end of the fiscal year. These items are \$8,000.00 for Phase 3 of the new equipment and rehab of rescue equipment tools and \$5,000.00 for new turnout gear. Attorney Brammell held the first reading of an ordinance amending the budget ordinance for fiscal year 7-1-14/6-30-15.

Subject: Noise Ordinance Update – Member Mason reported that he and Attorney Brammell have met to discuss the possibility of a noise ordinance and feel that a feasibility study needs to be done as this ordinance would impact the entire City and not just a specific area. This would include our factories, some of which are open twenty-four hours a day and stamping does create a lot of noise. Member Mason stated he has spoken with Scribers concerning the initial complaint and that they indicated to him that they are willing to work with the City to reduce the noise at their business. Mr. Scriber suggested maybe limiting the number of outside events, keeping the doors closed and stopping the music at 11:00 p.m. Mr. Mason stated that the cost of level 2 meters could be as high as \$1,000.00 or more with us unable to use phone apps. Renting one might be an option too. We will have to decide on a decibel level, make the ordinance enforceable and be fair to everyone before we adopt any ordinance as we do not want to have to be amending it all the time due to the cost to advertise. Mayor Stephens suggested having Scribers turn the band a different way. Member Mason stated it already faces the Dollar Store. He has had some neighbors state that they like hearing the music. Member Shroyer stated we may find it is not feasible to even do an ordinance at this time.

Subject: Contract on KRS Updates – Discussion held on changing our contract from paper updates to an electronic version for updates to our Kentucky Revised Statutes. Attorney Brammell stated we may not even need to continue with this at all as he keeps a set himself and you can access them without annotations free online. We could use our index to get us to the right place. Mayor Stephens expressed that without all of us being an attorney perhaps this would not be a good idea. Discussion held. Motion made by Member Armstrong and seconded by Member Mason to cancel our contract totally for updates to our Kentucky Revised Statutes. On a call for vote by Clerk Doane, all members present voted “Yea”.

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

Subject: Mayor’s Update – Mayor Stephens stated he did go ahead and call about the request to have a privacy fence installed beside the house on Penn Avenue next to CVS and McDonald’s and got it approved as it was intended in the beginning of the project and was a budgeted item. They indicated that Member Troxell, who also lives in this area, was opposed to the fence. Member Troxell stated she didn’t even talk to them about a fence and has no problems with it being installed. Penrod Fence Company has already been here measuring for the fence with it to be installed against the property line.

Mayor Stephens reminded Council that the filing deadline to run for office is August 12th by 4:00 p.m.

Subject: New Business/Council – Mayor Stephens asked if any Council member had anything to discuss.

Member Meadows asked about the benches to be installed on the trail. Mayor Stephens stated they have been approved and ordered and will be installed as soon as they arrive.

Member Browning asked if anything could be done about the curb sticking out in front of Peterson’s on South Main as it is tearing up people’s tires if they happen to get too close. The

concrete has deteriorated. Public Works Director William Smith stated he has already told two people with the State about this area and also about one in front of Cowboy's on North Main. Magistrate Bates stated he will follow up with Terry Justice with the Road Department.

Subject: Warrants - The warrants for payment were presented and reviewed. The Kentucky Utilities invoice for the Park which contains a two year back billing for a three phase service was discussed. The three phase service hasn't been used since the pool was open and it is Kentucky Utilities' oversight on the billing. Attorney Brammell stated we could ask the Public Service Commission to decide what to do about this. Mayor Stephens asked Attorney Brammell to write a letter to Kentucky Utilities concerning this on behalf of the City. Mayor Stephens discussed his concern with having to pay ASCAP and other companies for the right to have music at events. Attorney Brammell stated they will threaten federal court action if not paid and have sued some cities already. Motion made by Member Shroyer and seconded by Member Meadows to approve all the warrants for payment as presented with the exception of the Kentucky Utilities invoice for the park and to authorize payment of the current portion of the bill only at this time. 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 Mason to adjourn. All members present voted "Yea". Meeting adjourned at 7:37 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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