

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, August 12, 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 was none. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Police Chief Carey Duncan, K.U. Representative Alan Mattingly, and Henry County Local Representative Brad Bowman.

Mayor Stephens called the meeting to order at 6:15 p.m. Pledge of allegiance held.

Mayor Stephens stated his appreciation to Member Shroyer for filling in as the Chairperson last month.

**Subject: County Update** – Magistrate Scott Bates was unable to be present tonight but told Mayor Stephens he had nothing new to report.

**Subject: Electric Franchise Renewal** – Alan Mattingly with Kentucky Utilities was present to discuss the electric franchise renewal with council. The current franchise expires on February 14, 2014 with the City needing to advertise for bids for a new franchise.

Attorney Brammell held the first reading of an ordinance creating a franchise for electric services and authorizing the sale of said franchise under sealed bid.

**Subject: Speed Bumps** – Kellie Dixon of 178 Zelcova Drive and Clara Murray of 206 Zelcova Drive were present to request speed bumps be installed in the Arborview Subdivision. They presented a petition with 36 signatures requesting these speed bumps. Both stated that individuals are running the stop signs and speeding within the subdivision where a lot of kids play out in the street. Both stated that individuals using the walking trail are also at risk due to the speeding and running of stop signs. Member Shroyer stated he has also seen motor vehicles on the walking trail, which creates another problem for people trying to walk. Ms. Dixon stated it would probably be good to put some speed bumps on the other section of Zelcova as well. Ms. Dixon indicated that at one point there isn't even a stop sign. Member Shroyer stated we need to check and see if the speed limit on this street should be 15 mph or 25 mph which is the normal speed for subdivisions. He also stated he wished we could solve these problems some other way than with speed bumps. Ms. Dixon stated she has a video of a police officer (not a City officer) running the stop sign. Discussion held by council with the consensus being for the Mayor to go out and evaluate the area with suggestions for speed bump locations and to check on the signs on

the trail and bring his recommendations back to the next meeting for further discussion and possible decision. Council authorized the immediate purchase of signs for the trail to alert walkers about the street crossings.

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on July 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 Correcting Ordinances** – Attorney Brammell held the second reading of an ordinance correcting two previous ordinances pertaining to changes in the personnel policy as to the ordinance number being amended. Motion made by Member Shroyer 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: Ordinance Adopting Supplement to Code of Ordinances** – Attorney Brammell held the second reading of an ordinance adopting a supplement to the code of ordinances of the City of Eminence. 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”.

**Subject: Dog Ordinance** – The proposed dog ordinance was discussed with Member Meadows pointing out that the ordinance does not address underground fencing or a dog being on a run such as a clothesline. Attorney Brammell made the changes discussed and gave a definition as to what constitutes an underground fence. Attorney Brammell held the second reading of a summary of an ordinance to control dogs within the City of Eminence. Motion made by Member Troxell and seconded by Member Mason to adopt the ordinance as read. On a call for vote by Clerk Doane, all members present voted “Yea”. Mayor Stephens thanked Attorney Brammell and Chief Duncan for all their hard work on this ordinance.

### **REPORTS:**

**Subject: Police Department Report** – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan reported they had 724 total contacts for the month. Eighteen individuals were arrested on fifty-two separate charges. The Department had seven DUI's and three other alcohol related charges this month. Chief Duncan referenced the six month activity report. Council requested to have this on a bi-annual basis.

Chief Duncan reported no property ordinance citations issued. Mayor and Council thanked the Police officers for all their hard work on Eminence Day.

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council. Member Meadows complimented the good job on painting the fire hydrants. Member Troxell thanked the public works department for their hard work on Eminence Day.

Mayor Stephens reported that we have received a letter clearing us for release of funds on our sewer plant expansion project. Mayor Stephens stated he called our project manager, Bryan Kirby, today who stated we are ready to go to bid and get the sludge removed from the plant. He has called and emailed the engineer, Dave Derrick to see what the next steps should be. This will be a time consuming project with us probably not seeing any actual work until next spring.

**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 August 2, 2013 with not much more expected. Clerk Doane reported on other miscellaneous receipt of funds including the receipt of \$3,638.55 from the Commonwealth of Kentucky for HB 265 health insurance subsidy. We have been getting assistance back from the state for several years to go toward our health insurance costs. The audit is scheduled to start tomorrow.

Clerk Doane presented and reviewed the end of the year financial statements and budget comparison with council noting that all departments were under budget with income being over budget in most areas.

**Subject: Fire Department Report** – Member Meadows reviewed the Fire Department report with council which showed six total runs and special details in July for total man-hours of approximately seventy-five. Member Meadows reported that the Fire Department is hosting a picnic on August 31<sup>st</sup> with all city officials and employees being invited. Please rsvp to him or the Fire Department.

**Subject: Festivals Update** – Member Armstrong stated that due to the on again off again rain, Eminence Day did experience low attendance with some booths giving up and closing. The music was good with the pizza eating contest and the pie in the face contest both going over well. The senior class raised quite a bit of money on the pie in the face. Three of our police were voted to be the recipients of the pies, which probably helped considerably. Member Armstrong thanked Bill Smith for fixing the lights and helping out. She thanked all the departments – police, fire, public works and the office staff with Rhoda Arington doing a great job in handling all the receipts. The next Eminence Day is August 9, 2014. Member Mason stated the rain was a disappointment. It was discussed that moving the Little Miss and Mister into the WAC was a mess with acoustics and if it rains next year we will just cancel the pageant. The parade was great with the Shriners being a hit with their little cars. Member Troxell posted

some pictures she took on Facebook. Mayor Stephens thanked everyone for all their hard work and dedication.

**Subject: Parks Update** – Mayor Stephens stated the parks committee will be proposing some security enhancements for the park once all the facts and figures are in. They will be having another meeting soon.

**NEW BUSINESS:**

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

**Subject: Zone Change Request** – Mayor Stephens reviewed with Council a zone change request for Gary Cook to change the property located at 620 West Broadway from R-1 to B-2. Question asked if this zone change includes the entire vacant lot which goes all the way to Sulphur Avenue. Mayor Stephens stated he will check with the zoning officer to see. Attorney Brammell stated we can approve this change with stipulations when it comes back to us after the public hearing on August 14, 2013. Member Shroyer asked if this area is noted for future business in the comprehensive plan and if so, are we ready to make the leap now. Member Troxell stated her concern about what is to be built there. Member Meadows asked Mayor Stephens to see if the County would be willing to postpone their decision and let them know our concerns, but either way to advise them we will want restrictions.

**Subject: Conditional Use Application** – Mayor Stephens reviewed with Council an application for a conditional use which has been filed by Lee and Frederica Congleton to operate a funeral home at 4323 North Main Street. They are the owners of the property and are asking for it to go back to conditional use as it has been a funeral home in the past. They only stopped having a funeral home there due to trying to sell the property. The public hearing will be Monday, August 26, 2013. Bill Brammell, stating he is speaking as a resident and not as our attorney, indicated he would like to have the conditional use permit require a condition that would prevent access to the back parking lot when closed as inappropriate activity may be happening.

**Subject: Preservation Ordinance** – Member Shroyer reported that all members of the committee have received copies of a sample ordinance from the Heritage Council for us to use as we develop our ordinance. The staff at the Heritage Council has been cut to one so they will not be able to assist much. Member Shroyer stated the committee would meet soon to start on this.

**Subject: Tax Rate Discussion and First Reading of Tax Rate Ordinance** – Clerk Doane reviewed the 2013 compensating and 4% allowed rates based upon getting the total assessment figures from the PVA. Discussion held. Attorney Brammell stated once we do not take our allowed 4% increase it is lost. The compensating rate only keeps you the same. Clerk Doane reviewed the approximate amount of money lost by the City by not taking the 4% the last few years. More discussion followed. Consensus of council to adopt a rate between the

compensating and the 4% allowed rate setting it at .309 per \$100.00 assessment and to take the calculated rate of .3841 per \$100.00 assessment on personal property and .266 per \$100.00 assessment on motor vehicles and watercrafts. A public hearing will be held prior to the next meeting.

**Subject: Ad Valorem Property Tax Ordinance** - Attorney Brammell held the first 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.

**Subject: Mayor's Update** – Mayor Stephens reported that the CVS Pharmacy passed the pharmacy board inspection last week. The drywall is all up with everything else progressing nicely. If anyone wants a tour he will be glad to see if we can take one. The McDonald's has postponed construction until the first of the year due to the site not being ready.

Mayor Stephens reported we have received a \$400.00 grant from the Flower Club again for flowers and shrubbery.

Mayor Stephens reported that United Citizens Bank has applied through FDIC to locate a branch in the old Five Star property. Other vendors are also looking at this property so the bank may not get it. The KFC building has been sold to the school pending the closing and financing.

Council asked to review the proposed revised alcohol ordinance closely and let Attorney Brammell know if any changes are needed so this can be added to the agenda.

**Subject: New Business/Council** – Member Meadows stated that Rumpke is doing a great job on garbage collection. Mayor Stephens encouraged Council to participate in the recycling program.

Member Meadows inquired about the status of the proposed saloon and bar in town. Mayor Stephens stated that both failed their electrical and plumbing inspections.

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

**Subject: Closed Session** – Mayor Stephens stated we need a closed session to discuss possible litigation with a resident. Motion made by Member Shroyer and seconded by Member Meadows to go into closed session to discuss possible litigation per KRS 61.810(1)(c). On a call for vote by Clerk Doane, all members present voted “Yea”. Member Shroyer left at this time (8:00 p.m.).

Motion made to return to open session by Member Meadows and seconded by Member Mason. On a call for vote by Clerk Doane, all members present voted “Yea”. Open session resumed at 8:13 p.m.

Motion made by Member Armstrong and seconded by Member Troxell to authorize the Mayor to spend up to \$2,000.00 to repair damages to the driveway of Eric Perkins on Tolle Court due to damage done by City vehicles with a signed agreement between the City and Mr. Perkins and to allow the City employees to tear out the old concrete damaged by the City. On a call for 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 8:18 p.m.

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DRANE STEPHENS, MAYOR  
CITY OF EMINENCE, KENTUCKY

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