

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, December 13, 2010 at 6:15 p.m. at the Eminence City Hall with Mayor Jim Petitt and the following members present: Danny Meadows, Polly Troxell, Drane Stephens, Lee Ann Armstrong and Leo Mason. Absent was Member Shawn Bright. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Public Works Director William Smith, Henry County Local Representative Jonna Spelbring Priester, and several citizens.

Pledge of allegiance held.

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

Mayor Petitt reminded everyone to have their cell phones either off or on silent and not to ask to speak unless on the agenda.

#### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on November 8, 2010 were reviewed. Mayor Petitt asked for any additions or changes to the minutes. With no additions or changes forthcoming, Mayor Petitt stated they would stand approved as presented.

**Subject: Tax Lien Follow-up** – Mayor Petitt reported that Attorney Brammell sent out collection letters to 257 different properties resulting in approximately \$10,891.47 in collection. Several individuals have made arrangements to make payments. We have had no response from 134 of these properties. Mayor Petitt asked the council what they wished the next step to be. Member Armstrong stated she feels we need to list the delinquent taxpayers in the newspaper for 2003-2009. Foreclosure was discussed. Council tabled this until Attorney Brammell could arrive to assist with direction.

#### **REPORTS:**

**Subject: Police Department Report** – Chief Carey Duncan reviewed the monthly activity report with council which showed total contacts of 280 for November. Thirteen individuals were arrested on twenty-seven separate charges. The Department had seven driving under the influence and three other alcohol related incidents.

**Subject: Property Ordinance Enforcement Report** – Chief Duncan reported there was one ordinance notice issued in November for property ordinance violations.

**Subject: Police Comments** – Chief Duncan reported that he has made a commendation to Officer John Wilson for his handling of a home invasion burglary and resulting confession. Chief Duncan reported that Officer Phillip Parham is once again #1 in our Division for the entire state for DUI arrests.

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported that the new snow plow is doing great and that more salt for winter road maintenance was ordered today. Member Troxell commented on the great job done on our streets by the public works department personnel. Council Member Drane Stephens asked Mr. Smith to report on the gauge for the tower. Mr. Smith reported that he is looking into an automated system for gauging the amount of water in the tower for our new budget year. The only way we currently have to check this is a gauge located in the public works office or by physically going to check the tower.

**Subject: Transfer of Old Lift Station Property** – Mayor Pettitt discussed the request from Betty Moore to transfer the old lift station property on Elm Street behind Gayle and Betty Moore's house to them. We have been trying to work with both property owners to square up the property and equally share the driveway. Betty Moore was present and stated that she knew the original dividers of this property (the Sanford's) and when they divided this up it should have been equal and that the road cannot be closed in any way and that there was an agreement with the town for the property to go back to the property owners. Mayor Pettitt asked if she has a copy of any agreement with the City. Mrs. Moore stated they have done fine up until now with Mrs. Keith maintaining her property and them maintaining theirs. Mayor Pettitt asked what the problem with the proposal was. Mrs. Moore stated the road cannot be closed. Attorney Brammell stated the road is not really a road or a dedicated street, but simply an easement with access to both property owners. He understood the proposal was to deed part of it to the Moore's and part of it to Linda Keith. Jeff Wright, Linda Keith's son in law, stated he understood the proposal was to have both properties 68 feet in the front and to go straight back which would require Mrs. Keith to give a portion of her property to the Moores. Mrs. Keith's current property line is within one foot of her house. Mrs. Moore insisted that the boundaries were not checked. Attorney Brammell stated that the descriptions appear to be the same as the metes and bounds descriptions. Mrs. Moore stated her husband wants to keep everything the same as it is now. No action taken.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that her office has collected 78% of the 2010 property tax bills. Clerk Doane reported that the auditors are trying to get the FY ending June 30, 2010 audit complete prior to the end of December so that Mayor Pettitt and incoming Mayor Stephens can review it together.

The subject of advertising the delinquent taxes was discussed again with Attorney Brammell stating that we can advertise these properties in the newspaper and that notice of this must be placed in the paper prior to actually putting the list in the paper. Motion made by Member Mason and seconded by Member Armstrong to proceed with the process to give notice of tax liens followed by the actual advertising of liens pursuant to statutes. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: Fire Department Report** – Member Meadows reported that the department had five total runs and special details in November which is less than normal. Member Meadows reported that the yearly total was only 85 which is also less than usual.

Member Meadows stated that the requirement the fiscal court is looking at for fire departments to be audited by the same auditor is unfair to our department as we are in compliance and he does not feel that Eminence should have an extra expense just because another department is not meeting their requirements. Magistrate Elect Scott Bates stated he understood it was already

being changed to leave the ones who are compliant alone and to penalize only the ones who are not. Discussion held. Attorney Brammell stated the original presentation called for the same auditor to be used. Mr. Bates stated he would check on this.

**Subject: Festivals Update** – Member Armstrong reported that the Light Up Eminence went well and thanked all who assisted.

**Subject: Parks Update** – Member Stephens stated there was nothing to report.

### **NEW BUSINESS:**

**Subject: Zone Change Request** – The request from Joseph Barbati to have his property located at 47 Warrior Place changed from an R-3 zone to a B-1 zone. The proposed use is for a parking lot for the School. The County has recommended approval of this zone change with the applicant to agree to build a fence 90' from the corner of the back of the property on Warrior Place for a 6' privacy fence and the rest of the fence to be 4' woven wire. Attorney Brammell stated we could have our own hearing if we choose or approve or deny based upon the County's recommendation. Motion made by Member Meadows and seconded by Member Mason to approve the zone change as recommended by the planning commission. On a call of vote by Clerk Doane, all members present voted "Yea".

**Subject: Ordinance Requiring Registration of Vacant Residential Properties** – Mayor Pettitt presented an ordinance which has been recommended by the Kentucky League of Cities to assist with cities being able to know who owns property which has gone into foreclosure. Attorney Brammell held the first reading of an ordinance requiring registration of vacant residential properties.

**Subject: Resolution Approving the Updated 201 Wastewater Facilities Plan** – Attorney Brammell read a resolution approving the updated 201 Wastewater Facilities Plan. Motion made by Member Meadows and seconded by Member Troxell to approve the resolution as read approving the updated 201 Wastewater Facilities Plan. On a call of vote by Clerk Doane, all members present voted "Yea".

**Subject: Phone Reimbursement Policy** – Mayor Pettitt stated that we currently provide a phone for the Mayor. However, his phone quit working in October and he did not want to enter into a new two year contract with only two months left on his term so he purchased a new month to month plan for 49.41 per month. He requested that the City reimburse him for the November and December bills.

Mayor Pettitt stated since the incoming Mayor already has a plan perhaps we might want to allow him to utilize his personal phone for city business and provide a lump sum amount toward the monthly expense of his phone. He also stated we have never provided a phone for the City Clerk, but do call her quite a bit on hers and that we might want to consider an allowance for her as well. Member Armstrong stated she understands the need to pay for the Mayor's phone, but questioned whether we needed to provide one for the City Clerk. Member Meadows stated he did not feel we need to provide a phone with all the texting and internet. Member Stephens stated he does not want to have to carry two phones or change his number, but will check into getting on the City's plan with a free phone and using his same number. No action taken at this time.

**Subject: Warrants** - The warrants presented for payment were reviewed. Motion made by Member Mason and seconded by Member Meadows to approve the warrants for payment as presented. Member Stephens pointed out for reference the payment presented for our fire department audit of \$1,325.00. On a call of vote by Clerk Doane, all members present voted “Yea”.

**Subject: New Business/Council** – Mayor Petitt asked if any council member had anything they wanted to discuss. Member Meadows thanked the City of the last four years with Member Stephens thanking him for all his service.

Member Armstrong reported that the Community Center will no longer be an emergency shelter with the 4-H Center now being the new location. All the cots, portable showers, and other equipment have been moved to the 4-H Center.

Member Troxell thanked Mayor Petitt for his service to the City and for always keeping them informed of things.

**Subject: Mayor’s Update** – Mayor Petitt reminded all the new officials to get their financial interest statements in by the deadline.

Mayor Petitt stated that anyone who wanted to be sworn in should stay after the meeting for Attorney Brammell to perform this service.

Mayor Petitt stated he has appreciated working with the council and feels we have accomplished a good deal during the last four years.

**Subject: Closed Session** – None needed.

With no further business to be discussed, motion made by Member Meadows and seconded by Member Troxell to adjourn. All members present voted “Yea”. Meeting adjourned at 7:10 p.m.

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DRANE STEPHENS, MAYOR  
CITY OF EMINENCE, KENTUCKY

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