

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, February 14, 2011 at 6:15 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Tom Shroyer, Treva Browning, Danny Meadows, Lee Ann Armstrong and Leo Mason. Absent was Member Troxell. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Police Officer Phillip Parham, Public Works Director William Smith, Employee Tim Fitzgerald, Magistrate Scott Bates, Henry County Local Representative; Citizens Joyce Meyer, Helen Moore, and Dillon Ivers.

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

Pledge of allegiance held.

Subject: County Business – Magistrate Scott Bates was present and reported that representatives from the County went to Frankfort on Thursday to see the legislators about funds for upgrading our sewer plant. Mr. Bates invited that Mayor and Council to an Economic Development Forum on February 24th being hosted by the Henry County Fiscal Court. Mr. Bates reported that he did request the \$1,000.00 reimbursement toward our Fire Department audit but was turned down as this has only been approved for the current budget year. Member Meadows asked if the Campbellsburg Fire Department had completed their compliance audit from the state indicating that a penalty is involved if they don't comply with the audit. Mr. Bates stated he did not know for sure, but if they are not complying they will not receive the deed tax money which is put on the tax bills for individuals living in the County within their district.

Subject: Elm/Main Street Traffic Light – Mayor Stephens reported for Mona Dowden who was unable to be here. Mayor Stephens reported that Ms. Dowden, along with other citizens, is working on a petition to have a traffic light installed at the intersection of Elm Street and Main Street. They have already met with State Representative Rick Rand and have been provided with a copy of the study which the City had performed last year by the State Highway Department.

Subject: Citywide Wi-Fi – Daniel Vogler with Liberty Communications presented a video presentation on the possibility of setting up citywide Wi-Fi within the City limits. Mr. Vogler reported that we would have one centralized location which would transmit out to other hot zones with the water tower to serve as the centralized location. Within a 3 mile radius of the tower the coverage would be 100% with 50% coverage from 6-7 miles out.

Mr. Vogler indicated there are four different types of equipment to choose from with varying price ranges as well as service ranges. The prices can range from \$150.00 up to \$5,500.00 per unit for the hot spot units. On centralized location is necessary for the main access with possibly 12 additional access points needed. He recommended the Ubiquiti units for the best coverage. Discussion held including how much would we lose in monthly franchise fees; if the businesses could purchase their own box; if we could have an advertising page to assist with the

cost; if we could use existing locations. Various other questions and discussion held including security, tracking cookies, bottlenecks of the system, bandwidth size, management of the system, viruses, fair use policy, use by people outside the city limits, battery backup for power failure, and warranty information. Mr. Vogler stated the warranty on the equipment was two years. Mayor Stephens requested that Mr. Vogler e-mail him the presentation for the City's review since the video was difficult to see.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on January 10, 2011 and the minutes of the special called session held on January 21, 2011 were reviewed. Mayor Stephens asked for any additions or changes to the minutes. With no additions or changes forthcoming, Mayor Stephens stated they would stand approved as presented.

Subject: Delinquent Property Tax Advertising – Mayor Stephens requested Council's approval to wait awhile before advertising the delinquent tax payer list in the newspaper as he has been contacting some of the delinquent taxpayers personally with some success. Council in agreement to hold up on the advertising and possible foreclosure at this time. Mayor Stephens stated that we have recently learned that the statute of limitations has been changed from seven years to eleven years on collection of delinquent taxes which will require us to re-contact and make new agreements with some of the individuals who have made payment agreements with the City.

Subject: Barnes Property on Jackson Road – Attorney Brammell reported that the City had previously fore-closed on the Barnes property located at 4721 Jackson Road with a judgment being received and a sale being done at the courthouse door. The Cook brothers who purchased the property paid \$3,000.00 toward this purchase but then decided they did not want the property due to the high amount of taxes due on the property. They are willing to forfeit their \$3,000.00 and not take a deed to the property. A motion has been pending by the Master Commissioner whether to convey deed to the purchaser or not, which might let the Cook's out of the sale which would require the property to be re-sold. An alternative proposal to resolve this has been made to add \$2,000.00 to the purchase price with all court costs of approximately \$1,300.00 to be paid first with the balance to be shared pro-rata on the balance for taxes owed. The City would get most of their money back, but not all of the taxes. We would not receive any of our mowing costs of \$2,100.00. Attorney Brammell stated this is not an ideal solution to the problem but might be better than having to re-sell the property. Attorney Brammell stated that the mortgage company does not even want this property or any of the proceeds from the sale. Discussion held including that it will probably cost more if we take it back and tear it down ourselves. Motion made by Member Meadows and seconded by Member Mason to authorize Attorney Brammell to proceed with the settlement on the Barnes property as discussed. Citizen Ivers asked if the property has been condemned and if it could be renovated. Attorney Brammell stated the property cannot be renovated with it unlikely that we would even get any bidders should we try to re-sell the property. On a call of vote by Clerk Doane, all members present voted "Yea".

REPORTS:

Subject: Police Department Report – Chief Carey Duncan reviewed the monthly activity report with council which showed total contacts of 261 for January. Sixteen individuals were arrested on thirty-five separate charges. The Department had nine driving under the influence and three other alcohol related incidents.

Subject: Property Ordinance Enforcement Report – Chief Duncan reported there was no ordinance notices issued in January for property ordinance violations.

Subject: Police Comments – Mayor Stephens read a letter of commendation for Sergeant O.C. Jones from Pastor Michal Duncan with the Eminence Baptist Church.

Subject: Property Ordinance Enforcement Officer – Mayor Stephens reported that he is considering changing the property ordinance enforcement from the Police Department to Tim Fitzgerald by Executive Order with the understanding that Mr. Fitzgerald would have the support of the Police Department and the City if needed. Member Meadows stated he is fine with this change. Member Meadows questioned if zoning permits are followed up on when issued. Attorney Brammell stated no, but we can call the County to enforce the permit if we notice anything. It was suggested that notification be given to Tim by the County for follow-up on permits issued. Member Shroyer questioned if any additional compensation would be given to Tim for doing this. Mayor Stephens stated no, not at this point since there was no additional compensation given to the Police Department and that he is just incorporating this into the regular job duties for Tim. Mr. Fitzgerald stated he feels it should be worth something. Member Shroyer stated it could take a lot of time with court appearances. Member Armstrong stated if done during normal work time it is not necessary to pay anymore. Mayor Stephens stated if this is going to be an issue, he will look into it more. He felt Tim would be good at working with people and that it could be a part of his normal duties. Mayor Stephens stated he would discuss with Tim and Bill Smith and execute an executive order if he decides to do this.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported they have had two water main breaks this week in addition to those listed on his report. Mr. Smith reported that Matt McAllister passed his Wastewater Treatment Plant Operator exam with this being the first time in 25 years that we have had someone with the certification other than himself. Employee Troy Popp has received approval based on his previous work experience to attend the water distribution school in March.

Mayor Stephens reported that prior to advertising the old surplus lift station on Elm Street for sale under sealed bid he contacted the adjacent property owners one more time and has reached an agreement with Gayle/Betty Moore and Linda Keith on the transfer of the old unused lift station property located on Elm Street to them. He actually went to the site with them and used a tape measure to show the proposal. Marty Bright, surveyor has been asked to proceed with drawing up the split survey. The two property owners have agreed to split the original survey

cost, the split survey cost and all transfer and deed costs for conveyance of this property to them. A motion will be needed to authorize the transfer and conveyance after the drawings are complete.

A second leak adjustment for Mable Stephens who lives at 147 Elm Street was discussed. Public Works Director Smith stated that a leak was detected and fixed from a previous billing; however another leak was found which resulted in another high bill. Mr. Smith stated he feels another adjustment is justified. Based upon the formula used for adjustments the second adjustment amount would be \$41.69. Motion made by Member Armstrong and seconded by Member Mason to authorize the second leak adjustment for Mable Stephens in the amount of \$41.69. On a call of vote by Clerk Doane, all members present voted "Yea".

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that her office has collected 89.9% of the 2010 property tax bills and is continuing to work on the delinquent list with Mayor Stephen's assistance. Clerk Doane reported that we received reimbursement for the damaged street light on South Main Street. Clerk Doane reported that we have received \$1,218.92 for the 2011 litter abatement funds.

Mayor Stephens reported on the second quarter financial statements/budget review indicating that he has reviewed them in depth with no significant concerns. Requested council review and if they have any questions to contact either him or Clerk Doane. Member Shroyer asked if our budget will handle the rate increase from the Henry County Water District without raising rates. Clerk Doane reported that this had been reviewed and it is felt that we can handle this increase at least up to the new budget year without any additional increase based upon the yearly 1-1/2% we have been increasing the rates by.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed ten total runs and special details in January for 16 ¾ total man-hours. Member Meadows reported that the agreement with Cost Recovery System is not working out well as the company is billing individuals after the insurance doesn't pay which was not the agreement. They are looking at other options. Member Meadows stated that the bathroom at the fire department needs updating with a shower and eye wash. Mayor Stephens asked Member Meadows to proceed with getting a proposal and cost estimate for this update. Member Meadows reported that the Fire Department passed their state compliance testing.

Subject: 2011/2012 Committees Assignment – Mayor Stephens presented council with an updated committee assignment list for 2011/2012.

Subject: Festivals Update – Member Armstrong stated there is nothing to report at this time. Member Meadows asked if we were going to continue with the summer movies. The approximate cost for this is between \$400.00/\$500.00 per time with only an average of about 100 people in attendance. Mayor Stephens presented the committee with a listing of available movies should they decide to recommend this event. The DJ in the Park was discussed. Member Armstrong stated that the Youth Coalition will be doing one of these and have \$250.00 to spend. We might consider assisting with this rather than having our own.

Subject: Parks Update – Member Meadows reported that the committee has met for a brainstorming session and will have another meeting before the March meeting. They will be contacting Carrie Nethery to finish the warrior head on the basketball court. There is a leak over the concession stand which needs fixing.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – Mayor Stephens asked for any open citizen comments or questions. Dillon Ivers asked when he could announce that he is running for council. Attorney Brammell stated the City is not the first and last say on this, but understands that you can announce a candidacy anytime you want, but no funds can be spent until after the official filing.

Mr. Ivers read an article to council from a book on Abe Lincoln. Mr. Ivers stated his plans to run for City Council.

Subject: Zoning Ordinance Amendment - Attorney Brammell discussed a zoning ordinance amendment to change the wording from “building permit” to “zoning permit” throughout the ordinance. This is not a change which will directly affect the City in anyway. Attorney Brammell held the first reading of the summary of the zoning ordinance amendment.

Subject: Proposed Ordinance Requiring Visible House Numbers – Mayor Stephens stated he had been approached by the new Public Works’ employees that it would be nice to have visible house numbers on the properties in Eminence as they are not as familiar with the addresses as longer term employees might be. Mayor Stephens stated that Attorney Brammell has found a model ordinance on this and inquired if council is interested in adopting such as ordinance. Council in agreement that this would be a good ordinance to adopt as long as it did not cost the homeowners a large amount of money. Member Shroyer questioned whether the 911 system already in affect required this anyway and that it may already be a County ordinance. This will be checked into and if not already required, Attorney Brammell will draft an ordinance for next month.

Subject: Ordinance Updating the Compensation Plan – Attorney Brammell held the first reading of an ordinance updating the City’s Compensation Plan to include the consumer price index increase of 1.50%.

Subject: Mayor’s Update – Mayor Stephens informed council he had been asked by a resident to check into recycling options. New Castle does this voluntarily. Industrial Disposal’s response to his inquiry was we had to include everyone or no one at all on the recycling for it to be cost effective. Our current franchise ends in 2014 and we will look at this when we re-bid this franchise. There is a recycling bin beside the Presbyterian Church.

Mayor Stephens reported that he is working on getting a sign made which he can bring in and out to announce special meetings on for a cost of \$85.00.

Mayor Stephens reminded everyone of the Economic Development Forum our Magistrate mentioned which will be at the Senior Center on February 24th at 5:00 p.m.

Mayor Stephens stated he still has a home phone and after hours in the evening he does turn his cell phone off so please call on the house phone if you need him.

Subject: New Business/Council – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Mason stated he has received a call from the Summerlins' on Jackson Road about a leak adjustment. Mayor Stephens stated he believed they had received an adjustment and that a second adjustment would have to come before council. Clerk Doane stated she had not been approached about a second adjustment.

Member Mason thanked the City for sending the Council to the elected officials training and stated he is thankful we have such good employees without problems. He heard a lot of city official's discussion about their problems and he feels we are very fortunate. Member Mason expressed his appreciation to Clerk Doane as she is well known throughout the state as a knowledgeable clerk and when you mention Eminence most everyone knows our City Clerk.

Member Armstrong encouraged everyone to visit the Community Center to see all the updates and the increased use of the Center. It is easier to walk in and the sound is better.

Member Meadows asked who street lights being out should be reported to. Public Works Director Smith stated citizens should call us and we can put them on an e-mail list to Kentucky Utilities for a work order to be issued.

Subject: Touchdown Club Request for Donation – Mayor Stephens presented a request from the Henry County Football Touchdown Club for a donation of funds for a Summer Bash for the Football team. Mayor Stephens stated a lot of cities do donate to clubs and groups. Attorney Brammell stated he is confident that it is not a legal thing to do. Council denied the request based upon Attorney Brammell's advice.

Subject: Mayor/Council Cost of Living Increase – Mayor Stephens and Clerk Doane reviewed the annual cost of living information and increase of 1.5% for the Mayor and Council as recommended by the Department for Local Government. Attorney Brammell stated it is not selfish to take this as we fall further behind by not taking. This increase is automatic if the Council does not vote to decline the increase. The Mayor and Council have not taken this increase the last four years. No action taken with the increase to stand as presented.

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

Subject: Additional Council Comments – Member Meadows suggested proceeding with purchasing additional salt this year up to our budget amount as it is cheaper this year. Council in agreement to allow this expenditure up to the budget amount.

Subject: Closed Session – None needed.

With no further business to be discussed, motion made by Member Meadows and seconded by Member Shroyer to adjourn. All members present voted “Yea”. Meeting adjourned at 8:22 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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