

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, September 13, 2010 at 6:15 p.m. at the Eminence City Hall with Mayor Jim Pettitt and the following members present: Danny Meadows, Polly Troxell, Shawn Bright, Drane Stephens, Lee Ann Armstrong and Leo Mason. Absent were none. 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 Pettitt reminded everyone to have their cell phones either off or on silent and not to ask to speak unless on the agenda.

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

**Subject: Eminence Rotary Club Sign** – Terry Johnson, representing the Eminence Rotary Club, was present to discuss a fundraiser they are considering which would advertise local businesses on entrance signs to the City. They are requesting consideration to install the signs and also permission to locate their sign on with our sign. Attorney Brammell advised that even if we consider allowing the sign to be put on with ours, the Rotary Club would still need permission from planning and zoning and possibly also permission from the state as the signs would be on the state right of way. Discussion held. Mr. Johnson was advised to proceed with getting the planning and zoning permit first and then come back to us for our consideration again.

**Subject: Request to Amend to Alcohol Ordinance** – Debbie Ball, owner of Rhinestones' Good Time Bar and Grill located at 5221 South Main Street, was present to request the council consider changing the alcohol ordinance to allow live music entertainment until midnight on Friday and Saturday nights. She stated it only makes sense to her to be allowed to have the music up until the time she has to quite selling alcohol. The ordinance presently states that the music must end at 10:00 p.m. through the week and 11:00 p.m. on Friday and Saturdays. Member Mason stated he remembers that years ago it was allowed until midnight and questioned why it was changed to begin with. Member Stephens stated he believes it came about due to some of the businesses being located next to residences which created a problem. Discussion held. Consensus of council to authorize Attorney Brammell to draft an ordinance revision to allow the requested change.

**OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on August 9, 2010 were reviewed. Mayor Pettitt asked for any additions or changes to the minutes. With no additions or changes forthcoming, Mayor Pettitt stated they would stand approved as presented.

**Subject: Second Reading of Ordinance Updating Policies and Procedures, Compensation Plan & Classification Plan** – Mayor Pettitt and Police Chief Carey Duncan requested that the job descriptions for the police department be modified prior to the second reading of the ordinance to delete the requirement that the officers must wear safety vests. Member Bright asked if we had checked on the insurance to see if any liability would exist if we allowed the removal of this requirement. Attorney Brammell stated the insurance company had been contacted with them responding that the carrier does not have specific requirements regarding the wearing of safety vests while on duty. Attorney Brammell stated with only this one small change to the police department job descriptions; we can proceed with a second reading. Attorney Brammell held the second reading of the ordinance updating the policies and procedures, compensation plan and classification plan. Motion made by Member Stephens and seconded by Member Meadows to adopt the ordinance as read and to authorize the changes to the police department job descriptions to delete the requirement that the police must wear safety vests. On a call for 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 285 for August. Eleven individuals were arrested on twenty-two separate charges. The Department had four driving under the influence and no other alcohol related incidents.

**Subject: Property Ordinance Enforcement Report** – Chief Duncan reported there were nine courtesy notices issued in August for property ordinance violations.

**Subject: Police Comments** – Chief Duncan reported that John Wilson, who is a veteran of the Shelbyville Police Department, has been hired to replace Officer Hawkins who recently resigned. Officer Wilson will be on probation for a year. He currently resides near Bagdad.

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council.

Mr. Smith reported that he has been approached by Betty and Gayle Moore, who live at 643 Elm Street, about purchasing our old abandoned pump station property which is behind their house. They have been maintaining the property. We had a similar request in 2007 on Maple Avenue where we allowed the citizen to purchase the property for the cost of the survey and all filing fees. The property on Elm Street would probably have to be sold with the condition for the property next door (Keith property) to have use of the driveway as well and we would also need to retain an easement for our sewer line. Mrs. Moore has stated she is willing to pay all the costs involved with the transfer of the property. Discussion held. Motion made by Member Meadows and seconded by Member Mason to authorize the survey if Mrs. Moore agrees to acquire the property with the understanding that the cost to her will be the cost of the survey plus any and all court and related costs. 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 we have received \$5,009.83 from the

Commonwealth of Kentucky for health insurance subsidy and that we have received an additional FEMA reimbursement in the amount of \$1,777.79 from the ice storm.

Member Stephens asked about the debit/credit card acceptance issue from last month. Clerk Doane reported that she has been able to work everything out with NPC to allow the swiping of the cards rather than key entry.

**Subject: Pleasureville Sewer Treatment Rate** – Clerk Doane reviewed and summarized the two year review of the cost to Pleasureville to treat their sewage. Based upon the same formulas and averaging the expense information from the most recent two audited fiscal years, the rate to Pleasureville will decrease from \$1.83/1,000 gallons down to \$1.72/1,000 gallons for treatment of Pleasureville’s sewage. Discussion held including concern that the cost is decreasing rather than increasing. Attorney Brammell stated he would have a conflict of interest in any in depth discussions with Pleasureville about this but can advise that if we are following the agreement of reviewing this every two years then everything should be in order. Council requested that it possibly be looked at prior to budget time on the next review.

**Subject: Henry County Water District #2 Rate Increase** - Clerk Doane reviewed with council the impending rate increase from Henry County Water District #2 of 38 cents per 1,000 gallons of water purchase. This increase will be effective with their October billing. When the budget for the current fiscal year was prepared this anticipated rate increase was filtered in for the entire twelve month period. Based upon this already being accounted for in our budget, no increase to our customers is recommended at this time even though the increased amount could cost approximately \$22,245.00 for the year. Discussion held with the council in agreement to absorb this increase with further review for the next fiscal year budget.

**Subject: Fire Department Report** – Member Meadows reported that the department had thirteen total runs and special details in August with six of them being motor vehicle accidents. Member Meadows reported that the no burn is still in effect and is a countywide no burn.

**Subject: Festivals Update** – Member Bright reported that Music on Main was a success with the next and final one for this year to be held on October 1<sup>st</sup>. Member Armstrong reported that “13<sup>th</sup> Floor” will be playing music at the Halloween Fest on October 30th.

**Subject: Parks Update** – Member Armstrong reported that the Movies in the Park held on August 27, 2010 had approximately 125 in attendance. The archery club did the cleanup for the concessions. The September 4, 1010 DJ in the Park had approximately 200 in attendance with the Eminence Junior Class doing the cleanup for the concessions. Member Stephens reported that the lighting is up and finished and looks and performs great. Member Stephens suggested taking down the signs at the park about being closed at dark. Currently the lights are on a timer to come on at 7:00 p.m. and go off at 10:00 p.m. Council in agreement to take down the signs. Member Stephens discussed the pump house building stating originally we were going to tear down the pump house, but we now have an exterior plug on the building and a junction box in the building which needs new doors. Member Stephens reviewed two quotes he obtained for replacement of the doors – \$901.00 for metal doors with wood frames and between \$1,293.00-\$1,515.00 for all metal doors and frames. Discussion held. Public Works Director Smith stated

we could go ahead and tear down the building and get a quote on moving the electricity. Additional quotes to be obtained for doors and moving the electricity.

Member Stephens reported we are finished with Phase II of the park improvements and will wait until spring for any Phase III work.

### **NEW BUSINESS:**

**Subject: 2010 Property Tax Rate Discussion** – Clerk Doane reviewed the 2010 allowed 4% and 2010 compensating property tax rates with council. The 4% rate on real property would be .314 per \$100.00 assessment and the compensating rate on real property would be .302 per \$100.00 assessment. The corresponding personal rate using the 4% allowed rate on real property would be .3601 per \$100.00 assessment and the personal rate using the compensating rate on real property would be .3464 per \$100.00 assessment. Discussion held. Attorney Brammell stated that it would be a dis-service not to at least take the compensating rate as you continue to fall behind each year as you have a lower starting rate the next year and get a snowball effect. Member Bright stated he has been told that if you don't take the allowed rate that grants can be denied based upon it being felt you are not doing enough to help yourself. Clerk Doane explained that the continued lowering of the personal property assessment each year is a contributing factor in the real rate for both the compensating and 4% allowed rate being higher. Member Stephens asked how we can collect some of the unpaid taxes from prior years. Attorney Brammell reported we can do a mass foreclosure and recommended if deciding to do this, that letters be sent out again and give the consequences and a timeframe for response and then proceed with the foreclosing. Motion made by Member Stephens and seconded by Member Troxell to authorize the letters to be sent notifying the individuals who are delinquent on property taxes that the City could precede with foreclosure if the City is not contacted and a payment plan initiated. The letter should give a time frame of ten days to get in touch with City Hall and make arrangements with individual arrangements to vary based upon need. On a call of vote by Clerk Doane, all members present voted "Yea".

**Subject: Ad Valorem Property Tax Ordinance** - Discussion held again on the 2010 property tax rates with the consensus of council being to approve the compensating rate of .302 per \$100.00 assessment for both real and personal property. Attorney Brammell held the first reading of the ad valorem property tax rate ordinance setting the rate for 2010/2011 at .302 per \$100.00 assessment for real property; .302 per \$100.00 assessment for personal property and .266 per \$100.00 assessment for motor vehicles and watercrafts.

Mayor Pettitt asked for an agreeable date and time for a special meeting to have the second reading of the ad valorem tax ordinance. Tuesday, September 21, 2010 at 5:00 p.m. was decided upon for a special meeting to hold the second reading of the tax ordinance and any other needed business.

**Subject: Warrants** - The warrants presented for payment were reviewed. Motion made by Member Meadows 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".

**Subject: New Business/Council** – Mayor Petitt asked if any council member had anything they wanted to discuss.

Member Meadows suggested looking into diagonal parking versus parallel parking on Depot Avenue to assist some of the elderly customers utilizing this area. Council in agreement to evaluate this request.

**Subject: Mayor's Update** – Mayor Petitt reported that the sidewalk project is progressing well with only three areas left to do on South Main and ¼ of the work on North Main being completed. We are using more of the 24 hour concrete than anticipated.

Mayor Petitt reminded that all financial interest statements should have been complete by now and turned in by all candidates for office.

Mayor Petitt reported he received a complaint that you cannot see oncoming traffic from the south at the intersection of 55North and 22E if you are trying to turn left. He sent the complaint on to the state who recommended eliminating two or three parking spots in front of the chiropractor and realtor's office. Mayor Petitt reported he talked with the businesses in this area who indicated that they cannot afford to lose these spots and specifically the chiropractor who stated that many of his patients have difficulty walking. Discussion held. Major Kemper checked with the state police and only five accidents within five years have occurred at this intersection. Member Meadows asked if we are creating a liability if we do not make the changes as recommended by the State. Attorney Brammell stated we could possibly be held liable if we don't make the changes since we did contact them for their input. It was suggested that a light be installed here as an alternative. Member Stephens stated he does not want to hurt the businesses so another solution would be great. The consensus of council was to ask the State about installing a stoplight and to discuss this at the next meeting.

Mayor Petitt discussed that 2008 HB 1 called pension reform required that we re-certify our police positions if we desire to keep them as hazardous duty. If we do not re-certify then any new hires that do not come to us with prior 9-1-08 hazardous duty retirement will be non-hazardous. The current employer rate for non-hazardous duty retirement is 16.93% and for hazardous duty retirement is 33.25%. Discussion held with consensus to proceed with applying for hazardous duty positions.

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

With no further business to be discussed, motion made by Member Bright and seconded by Member Troxell to adjourn. All members present voted "Yea". Meeting adjourned at 7:50 p.m.

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JIM PETITT, MAYOR  
CITY OF EMINENCE, KENTUCKY

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