

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, July 9, 2012 at 6:15 p.m. at the Eminence City Hall Council Chambers 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, Magistrate Scott Bates, Citizens: Joyce Ballard, Claude Salisbury, Gladys Sanders, Skilyn Sanders, and Henry County Local Representative Brad Bowman.

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 give a county update. Magistrate Bates reported that the County has approved changing to narrow band for the EMS with it to be installed by the end of this month. New law required this change prior to the end of 2012 to allow more radios on a smaller frequency or Counties would be penalized \$20,000.00.

Magistrate Bates reported that the consensus of the fiscal court is to pull the ambulance out of the EMS building in Eminence and to turn the property back to the City. No official vote has been taken yet; but it will be discussed at next week's meeting. The voting machines are required to stay at their locations for 90 days so this transfer back will probably not happen until that time period has passed. Turning this back over to the City will save approximately \$5,000.00 per year in utilities for the County for a building which is not really used that much. No loss of EMS service will occur with this change. Mayor Stephens asked the council to be thinking about a decision on whether to keep this building or sell it. Mayor Stephens asked Attorney Brammell about the particulars on this transfer back. Attorney Brammell stated the County would simply determine the property as surplus and transfer per an interlocal governmental transfer to the City with deed to be prepared by their attorney or himself.

Subject: Chickens in the City Limits – Mayor Stephens stated that each council member has a copy provided tonight of the City's ordinance regarding the keeping of chickens in the city limits and that our current ordinance prohibits this unless you have 5 contiguous acres. Mayor Stephens recognized Joyce Ballard who lives at 632 Mulberry Road. Ms. Ballard presented a slide show of their chickens stating that they only have four hens and one bantam hen. Ms. Ballard stated that they called City Hall prior to moving to Eminence in late 2009 and was told by someone that they could have chickens without any problem if they don't run loose. Ms. Ballard stated that Animal Control came by at one time to inform them they could not have chickens and gave them a year to get rid of them stating that if no one else complains they could keep them. Ms. Ballard stated you cannot see, hear, or smell the chickens. They feel that eating eggs from their own chickens is healthier and the chickens have proven to be a form of therapy for Claude Salisbury after his stroke in 2010. He takes care of them and built nesting boxes out of the old dog run. Ms. Ballard invited Council to come and check the chicken situation out for

themselves. Ms. Ballard stated if they had known there was a problem they could have put down lime in the coops.

Mayor Stephens recognized Gladys Sanders who lives at 646 Mulberry Road. Ms. Sanders stated she has an issue with the chickens as she cannot even enjoy her patio, especially in the hot weather, due to the smell. She indicated she has allergies and the chickens make that worse. Ms. Sanders stated she had complained about the chickens two years ago with nothing being done.

Mayor Stephens stated that the chickens are a violation of the current ordinance and the Council needs to decide if they want to change the ordinance allowing the chickens or require them to be moved out of the City limits. Mayor Stephens stated he has made other individuals get rid of their chickens in other areas of town per the current ordinance.

Attorney Brammell stated that allowing no chickens is consistent with the Countywide Planning and Zoning which also requires five contiguous acres for livestock.

Discussion held including Member Mason who stated he is a neighbor to both Ms. Ballard and Ms. Sanders and that he doesn't smell them and has no problem, but feels we are bound by the current ordinance.

Ms. Ballard stated she understands that the City of Louisville is now allowing chickens in some areas due to economical hardship.

Further discussion held. Member Shroyer stated we have to look at the big picture and if we allow one person to have chickens we will have to allow anyone who wants them. Member Shroyer asked Ms. Ballard if they were told two years ago to move the chickens. Ms. Ballard stated yes but they were also told to not worry if no more complaints were made that they could keep them.

Mayor Stephens again asked if any member feels we should amend the current ordinance prohibiting chickens in areas under 5 contiguous acres. Consensus was for the ordinance to stand as written and to allow Ms. Ballard and Mr. Salisbury 60 days per the ordinance to get rid of the chickens or by September 10, 2012.

Member Meadows stated he feels sure no one at City Hall gave an okay for them to have chickens in the City limits without having five contiguous acres. Mayor Stephens and Member Mason both stated that Ms. Ballard had told them previously she wasn't sure she called our City Hall, but did all around to several.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on June 11, 2012 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: Street Solicitation (Bucket Brigades) Ordinance – Attorney Brammell held the second reading of an ordinance regulating charitable collection activities known as “bucket brigades” within the City of Eminence. Motion made by Member Meadows and seconded by member Armstrong to adopt the street solicitation (bucket brigade) ordinance as read. On a call for vote by Clerk Doane, all members present voted “Yea”.

REPORTS:

Subject: Police Department Report – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan stated they had 256 total contacts for the month. Eight individuals were arrested on twenty separate charges. The Department had three driving under the influence and two other alcohol related incidents.

Subject: Property Ordinance Report – Chief Duncan reported no property ordinance citations were written.

Subject: Police Comments – None.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported that his department has installed several new services but we are not really seeing any increase in usage or total customers due to the large amount of vacant homes in the City. Mr. Smith reported that the paving for the year was done this past week with only a couple of complaints. Member Armstrong asked for a key to the water spout at the park so she can attach the hose and water the butterfly bush. Mr. Smith stated they have been watering it every day themselves. It was determined that the easiest way for her to water the bush would be to connect a hose to the service in the men’s restroom.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that we have collected approximately 97.7% of the total 2011 property taxes as of June 29th.

Clerk Doane reported on various other receipts during the month. Clerk Doane reported that the Fire Department returned \$6,585.08 in city funds back to the City. Clerk Doane reported on the net profits/occupational tax yearly distribution which came in almost exactly as budgeted. Clerk Doane reported that all the new year beginning balances are in good shape and close to the projected amounts in most cases.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed ten total runs and special details in June for total man-hours of 106. Member Meadows reported that no meeting was held this month due to the holiday. The department did have one house fire run to the Vanlandingham home on 176 Oldham Street.

Subject: Festivals Update – Member Armstrong stated the committee will not meet until next week. Member Armstrong reminded council of the Music at the Depot scheduled for Saturday night at 7:00 p.m. featuring former Henry Countian Billy Berry. He will be shooting a video while he is here.

Subject: Parks Update – Nothing to report.

Subject: Community Center Report – Nothing to report.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – None.

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 2.96%.

Subject: Mayor’s Update – Mayor Stephens reviewed with council a letter from the Kentucky Transportation Department once again denying the paving of Highway 55 through Eminence.

Mayor Stephens reported that our One Call Now account has been transferred to a company called Code Red. The contract and price remains the same.

Mayor Stephens reported there is a countywide no burn in place at this time. He will be putting out a one call on this later in the week and will also have one put out on Friday about our Saturday music event.

Mayor Stephens reported that the new Five Star is scheduled to open on July 25th and that it will no longer be a BP. It will be an independent station.

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

Member Armstrong stated the festivals committee has been discussing the number of events we are hosting and the low attendance. They are suggesting that next year we only do Eminence Day and DJ at the Park with perhaps one other summer event. Council agreed.

Subject: Warrants – The warrants were presented for payment. Motion made by Member Meadows 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: Closed Session – None needed.

With no further business to be discussed, motion made by Member Armstrong and seconded by Member Mason to adjourn. All members present voted “Yea”. Meeting adjourned at 7:15 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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