

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, March 11, 2013 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 were none. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Police Chief Carey Duncan, Police Major Kevin Kemper, Sergeant O.C. Jones, Coleman Colston, Joyce Meyer, Rose Martin, Helen Moore, Herman Moore, Carol Spreitzer, Lance Minnis, Dennis Yearly, Jason Brown, Bryan Kirby, Marcia Clark, Magistrate Scott Bates, Magistrate Roger Hartlage, Eric Whisman, Joe Yates, Mary Jane Yates, Dan Flinkfelt, Robert Roberts, Robert Roberts, Jr. 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 Update – County Magistrate Scott Bates gave an update on County business. Everything is running smoothly on the County level. The County did meet with delegates of the transportation cabinet and legislators who have agreed to put widening of North Main Street and straightening of the curve on the two year plan. This will probably start at the Car Wash and go out past the city limits. They originally asked for the area from Sulphur Avenue north on North Main, but it was determined to be better if it was started at the Car Wash. The moving of the utilities is the big issue.

Mayor Stephens asked if the recording on the dog catcher phone has been changed. Both Magistrates stated they were not sure, but would check.

Subject: Project Prom – Carol Spreitzer was present to request sponsorship assistance with Eminence Project Prom. There are 32 seniors graduating this year. Mayor Stephens stated the City cannot make a cash donation but can assist with a specific invoice or need. Attorney Brammell agreed stating if the project benefits citizens within Eminence we can pay an expenditure, but cannot give cash. Ms. Spreitzer stated she has brought an invoice from Incredible Dave's if we can help pay on it. Member Armstrong stated this is a good project and provides a safe place for our students. Motion made by Member Armstrong and seconded by Member Mason to pay \$500.00 toward the Incredible Dave's invoice as presented by Ms. Spreitzer. On a call for vote by Clerk Doane, all members present voted "Yea". Motion carried.

Subject: Zone Change Request – Jason Brown, who owns the property at 4851 Jackson Road, was present to request that the City apply for a zone change on his behalf to change the zone from R-2 to B-2. Mr. Brown stated he has no planned use for the property and that he only bought it for an investment and may even sell it down the road. Dennis Yearly, who is helping Mr. Brown with the process, stated he is asking us to do this as we have made the application in the past for Scriber's Restaurant. Mr. Yearly stated this property was commercial. Mayor Stephens stated that if it is changed to B-2, any of the allowed businesses in B-1 and B-2 could possibly locate here in the future. Mayor Stephens read the allowed uses as well as conditional

uses for these two zones. No one present could remember why we would have done the request as a City for Scriber's Restaurant unless it was to promote economic growth. Attorney Brammell stated it is within our legal right as a City to request a zone change; however we should base this on being consistent with the comprehensive plan; being due to a change in circumstances; or being determined that the original zoning was incorrect. His opinion is that it is not appropriate for the City to make this application as property owners can seek the change. He stated he is not saying that the property is not appropriate for a change. There are fees involved most of which would be waived if the City applies with the taxpayers virtually having to pay for some of the costs. Mr. Brown needs to fill out the application and have the County make a determination and then it will come back to us for a final decision. Mayor Stephens stated he has checked and if we intend to put any restrictions we need to do so prior to granting of the zone change. The County Planning Commission is familiar with the procedure to put restrictions. Attorney Brammell stated there may be reasons we would utilize for the City to file for a zone change with one reason to be economic development. Mayor Stephens asked if there was a motion for us to do the zone change for Mr. Brown. Member Shroyer stated he feels it needs to go the regular route. Mr. Yeary asked that we look at the pictures – this property has a paved parking lot and other amenities that make it impractical to use as residential. Members Troxell and Meadows stated they agree with Member Shroyer. No motion made.

Subject: CDBG Grant - Bryan Kirby with CEDA was present to announce that the City has received a \$647,000.00 CDBG grant for our sewer plant expansion. We were one of only seven or eight funded in the State. Mayor Stephens expressed his thanks to Mr. Kirby for his assistance on this grant. The resolution accepting the grant was reviewed. Motion made by Member Meadows and seconded by Member Browning to adopt the resolution as presented to enter into an agreement with the Commonwealth of Kentucky for the \$647,000.00 Community Development Block Grant and to authorize Mayor Stephens to execute any and all documents as necessary to implement the project. On a call for vote by Clerk Doane, all members present voted "Yea". Mr. Kirby stated the other documents and the procurement of an administrator will be on the agenda next month. Once the project is bid, mostly only monthly approval of bills will need to come before Council.

Subject: Buildings Scheduled for Demolition and Preservation Ordinance – Citizen Lance Minnis was present to discuss the fate of the buildings scheduled for demolition in the middle of town and also to discuss the ongoing economic development of the City. Eric Whisman with Preservation Kentucky, a statewide non-profit branch of the Kentucky Heritage Council, was also present to express concern about the buildings coming down. A citizen meeting was held approximately two weeks ago to discuss this planned demolition. Mr. Whisman stated he is not anti-growth, but hopes that the developers can keep the historic buildings. He stated that the downtown area was put on the National Historic Register in 1978 with 22 buildings. Seven are already gone with four more scheduled in this demolition. This could put us in jeopardy of losing our historic district designation. They have programs that offer tax credits up to 40% to assist owners in bringing old buildings up to code or to rehab. Mr. Whisman stated he has seen big businesses try and work around and keep the historic fabric when doing development and he knows that CVS is one that will. Mayor Stephens asked Mr. Whisman if he has seen a site plan map. Mr. Whisman stated he has and that the two buildings can be saved and worked into the project. He wants to work with the current developer at the site of the current buildings scheduled for demolition to keep at least two of the buildings. Mr. Whisman stated the state

agency is concerned about this demolition and doesn't look favorably as a façade grant was obtained previously on these buildings. They work with communities to preserve the historic nature of businesses and offer an opportunity to preserve these buildings. Mayor Stephens stated he tried to get a program started last year with reimbursement to the owners for rehabbing some of the old buildings and only had one owner respond to his request. He was astounded by the lack of response as the City wants these buildings cleaned up and repaired. Forty percent is a non-motivating factor with the current makeup of property owners.

Mr. Minnis stated he wants the City to contact the developer for a stay of demolition and to reconsider the plans and documents to save two of the buildings (the old bank building and the old dance hall building) by incorporating them into the new development. Attorney Brammell stated he is not aware of any legal authority the City would have to interfere with private property development and that we cannot block actions, we could only make a request.

Discussion held with several individuals speaking. Member Shroyer asked Mayor Stephens if he has contacted the developer and made them aware of the groups concern. Mayor Stephens stated yes and that they indicated they have followed all the rules and regulations and are ready to proceed. The City only had to sign off on the water pressure as they would for any new business development.

Mary Jane Yates stated she had asked to have one question and would like to know how the public use of the old bank building under the façade grant got changed from 20 years to 5 years. Clerk Doane stated she believes that Mary Jane, herself, when working for the City caught the mistake and brought it to the attention of the City who followed up with Frankfort who acknowledged the mistake and authorized the change. Attorney Brammell stated he has no recollection one way or the other. This will be confirmed.

Mr. Whisman stated he would be happy to help in any way to preserve these buildings and with a preservation ordinance for future development. Mayor Shroyer stated that the City is already working on a preservation ordinance and may request Mr. Whisman's help.

Mayor Stephens stated everyone present has been heard and asked council how they wanted to proceed. Member Shroyer suggested to council for certain parties to meet to discuss the concerns before a stay is requested. Mayor Stephens stated that time is an issue on doing this. Members Mason, Troxell, and Browning stated they did not hear from anyone about this negatively with the exception of this meeting. Member Meadows stated that other businesses in town are in favor of this development and for us to ask for a stay would be considered as interference and putting other businesses on notice that we are not looking for growth.

Mayor Stephens stated we need to address the issue at hand on whether to ask for a stay or not and opened the floor for a motion on asking for a stay on the demolition so that these buildings might be saved. No motion made.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on February 11, 2013 were reviewed. Mayor Stephens asked for any additions or corrections to the minutes. Motion

made by Member Troxell and seconded by Member Mason to approve the minutes as presented. 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 222 total contacts for the month. Two individuals were arrested on eight separate charges. The Department had one driving under the influence and no other alcohol related incidents.

Chief Duncan reported there were no property ordinance violations this month.

Member Armstrong asked if the park is being used more now. Chief Duncan stated it is and that more vandalism has occurred.

Subject: Public Works Department Report – Public Works Director William Smith reviewed the monthly activity report with council. Most of the month has been routine. Member Meadows asked how much salt we have left. Mr. Smith stated it is almost all gone. Member Meadows suggested trying to purchase some if we can get a better price. Mr. Smith stated he would call. We have spent nothing this year so far on salt purchase. Member Armstrong asked Mr. Smith if the restrooms at the park could be opened by spring break. Mr. Smith stated he would take care of this.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that we have collected approximately 94% of the 2012 tax bills as of March 7, 2013.

Clerk Doane reported we have received the quarterly KU franchise payment.

Member Meadows asked if the delinquent taxes per year were the same property owners. Clerk Doane stated that generally yes they are.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed seven total runs and special details in January for total man-hours of sixty-nine and a half. Member Meadows stated that the department will probably ask for additional funds in the budget to cover increased costs for training as this has gone up substantially.

Subject: Festivals Update – Member Armstrong stated the festival committee met and started work on Eminence Day. Member Armstrong stated that Member Browning is a great addition to the committee. Member Troxell will be calling to solicit ads for the day.

Subject: Parks Update – Nothing to report.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – Joyce Meyer requested Member Armstrong’s correct phone number for the website.

Subject: Ordinance Updating Pay/Classification Plan - Attorney Brammell held the first reading of an ordinance updating the City's Compensation Plan to include the consumer price index increase of 1.7408%.

Subject: Mayor's Update – Mayor Stephens stated he will have the updated animal ordinance and the HB 119 training compensation on the agenda for April.

Mayor Stephens referenced Rumpke's response to his request that all garbage pickup remain on one day when they assume the contract in July. They think that putting stickers on the carts will work to let people know which day their garbage is to be picked up. Member Meadows stated this should have been announced during the bid process and that he does not want to have two different days. Consensus of council to require Rumpke to keep the pickup all on one day.

Mayor Stephens reminded all department heads to have their budget requests to him by April 15, 2013 so that the committee can review and present to full Council in May and June.

Subject: New Business/Council – Mayor Stephens asked if any council member had anything they wanted to discuss. Member Shroyer asked what ordinance committee he was put on during his absence. Mayor Stephens responded that he has asked that he and Member Meadows work on developing the HB 119 training compensation ordinance for next month.

Member Armstrong asked Clerk Doane to meet with her on the budget for festivals and to attend their next meeting. Clerk Doane agreed. Mayor Stephens stated he would like to see a separate budget this year per event.

Mayor Stephens welcomed Member Troxell back from her trip and thanked everyone for the help in obtaining our CDBG grant.

Subject: Warrants – The warrants for payment were presented and reviewed. Motion made by Member Meadows and seconded by Member Shroyer 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 Meadows and seconded by Member Mason to adjourn. All members present voted "Yea". Meeting adjourned at 8:08 p.m.

DRANE STEPHENS, MAYOR
CITY OF EMINENCE, KENTUCKY

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