

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, January 13, 2014 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 Polly Troxell. Also in attendance were Attorney William Brammell, City Clerk Sandra Doane, Police Chief Carey Duncan, Police Major Kevin Kemper, Citizens Savoeurn Mandt and Linda McAllister, Planning and Zoning Administrator Jody Rucker and Planning Commission Member Joey Bell, 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 not present to give an update on the County.

Subject: Zone Change Request 123 Fairview Court – Mayor Stephens asked Savoeurn Mandt to explain her planned use for 123 Fairview Court and the need for a zone change. Ms. Mandt stated she plans to move her business (Fingers and Toes) to this address and will build a 20 X 24 addition to the current residence with three customer parking spaces. None of the neighbors have expressed any concern to her on the requested zone change from R-2 to B-3.

Planning and Zoning Administrator Jody Rucker stated that originally Ms. Mandt applied for and was granted a conditional use permit on October 28, 2013 which requires only residents of the home to work in the salon. It was then discovered that she and her sister work together so a zone change was required to allow her sister to continue to work with her. Ms. Mandt then applied for a zone change from R-2 to B-3 which was approved by planning and zoning as it was determined appropriate with the area and she has ample parking of at least three spaces not including the homeowner and that there is ample room to backup and turn around so that no one will have to back out onto the road and that the hours of operation are appropriate. Mr. Rucker stated that Lakeview Drive on the north side is zoned B-3 from Family Physicians up to Five Star which does include some residential properties. The Bayne property on the south side which fronts on Main Street is also B-3. The next door neighbor to 123 Fairview (Roy Rose) is grandfathered in for a business. The two houses before Moody Drive on the south side are still residential. The future land use map shows this property as staying residential on this side of the street; however lots of exceptions have been made since this future land use map was developed.

It was discussed that Ms. Mandt purchased the property under the assumption that everything was covered under the conditional use permit.

Discussion held including what would be the procedures if we requested B-1 instead of B-3 with stipulations on any future uses other than the current proposed use. Attorney Brammell stated the council can only accept or reject the planning and zoning commission's findings and cannot change the zone but could recommend to the commission. It would have to go back to planning and zoning with Ms. Mandt being required to go through the entire process again including additional fees. Member Meadows inquired if we could put a provision in that once Ms. Mandt were to discontinue her business that the zone would revert back to R-2. Attorney Brammell stated you cannot put any provision for reversion back to another zone. It was stated that a B-3 zone also allows everything which is allowed in B-1 and B-2.

Mayor Stephens asked Clerk Doane to go and get the file on a previous property which was rezoned with stipulations. This item of business was put on hold until the files could be located.

OLD BUSINESS:

Subject: Minutes – The minutes of the previous regular session held on December 9, 2013 were reviewed. Mayor Stephens asked for any additions or corrections to the minutes. With no additions or changes forthcoming, Mayor Stephens stated they would stand approved as presented.

REPORTS:

Subject: Police Department Report – Police Major Kevin Kemper reviewed the monthly activity report with council. Major Kemper reported they had 241 total contacts for the month. Six individuals were arrested on thirty separate charges. The Department had four DUI and three other alcohol related charge this month.

Chief Duncan reported no property ordinance citations issued.

Chief Duncan stated he would like to proceed with having his old explorer declared as surplus. They actually have two surplus vehicles at this time; however he would like to keep one as a backup. They would like to keep Officer Wilson's vehicle as a pool vehicle. Council questioned why we would be keeping the LTD which is older and not the Ford Explorer. Chief Duncan stated the LTD is a police package vehicle with the Explorer not being a police package. The Explorer does have four wheel drive where the LTD does not. Chief Duncan stated he would be okay with keeping either one as a backup. Member Shroyer stated we need to review the budget closely including repairs and insurance costs to see if we should keep either one. Mayor Stephens asked Chief Duncan to gather more information to bring back to Council on the costs involved with both vehicles in question and we will address this next month. Consensus to table

until next month. Council asked when the new vehicle would be put into service. Chief Duncan stated they are waiting until Gary Lucas is able to proceed on installation of the equipment as he charges so much less than other individuals or companies for this type work.

Subject: Zone Change Request 123 Fairview Court – Council returned to the item of the zone change request for 123 Fairview Court. Member Meadows stated he spoke with Ms. Adams on one side of the proposed zone change and she has no problems with it. Mayor Stephens asked Joey Bell who is on the Planning and Zoning Commission if he had any concerns. Mr. Bell stated not at all as he made the motion to approve the change and he does not want to lose the business to another community.

Member Shroyer suggested that we recommend a B-1 zone with Items 1, 2, 5 and 6 as restricted uses for the property as listed under the zone of B-1 and contained in the zoning ordinance.

Attorney Brammell stated that granting a zone change does make it easier for other surrounding properties to get the same zone change in the future. Also, any restrictions that are requested with a zone change are appropriate if the property owner is willing to sign them. Ms. Mandt stated she would sign any restrictions needed. Attorney Brammell stated again that the City can only accept or reject the zone change as approved by planning and zoning, but could make recommendations back to planning and zoning for restrictions if rejected as all stipulations have to come from planning and zoning not the City. Planning and Zoning Administrator Jody Rucker stated that rejecting and asking Ms. Mandt to re-apply for a different zone with restrictions would take a couple of months with the advertising and re-notification to surrounding property owners requirement. This would also cost Ms. Mandt more money as she would have to pay all the fees again.

Mr. Rucker stated that no neighbors came to the meeting with one other business, not located next to the area, coming in support of the zone change. It was discussed that a B-1 or B-2 zone both require setbacks with B-3 having zero setbacks.

Motion made by Member Mason to accept the zone change as presented from Planning and Zoning to allow the change from R-2 to B-3 for the property located at 123 Fairview Court. Motion seconded by Member Browning. On a call for vote by Clerk Doane, voting “Yea” were Members Mason, Browning, and Armstrong. Voting “Nay” were Members Shroyer and Meadows, with both stating that they feel it needs to have restrictions on future use. Motion carried.

REPORTS:

Subject: Public Works Department Report – In the absence of Public Works Director William Smith, Mayor Stephens reviewed the monthly activity report with council. Mayor

Stephens reported that we have had five total water main breaks recently with an additional one in front of the Post Office which happened on Sunday.

Mayor Stephens reported that a hydrant was hit by a semi at the corner of Clear Creek and Mulberry. There have been no expenses incurred from this as of yet.

We are still waiting on Derrick Engineering for the final specifications so that we can bid the rest of our sewer project. It is anticipated that these will be ready for the February meeting.

The department has not had to spread salt but a couple of times this season so far.

Subject: Resolution Approving Wastewater Treatment Project Expenses – Attorney Brammell read a resolution approving two invoices on the wastewater treatment project – one for \$20,000.00 (from CDBG funds) payable to Community & Economic Development Associates and one for \$5,909.54 (from KIA IEDF funds) payable to Derrick Engineering. Motion made by Member Meadows and seconded by Member Mason to approve the resolution as read approving the two invoices for payment. On a call for vote by Clerk Doane, all members present voted “Yea”.

Subject: Fire Department Report – Member Meadows reviewed the Fire Department report with council which showed seventeen total runs and special details in December for total man-hours of approximately sixty seven. The yearly report showed 118 total runs and special details for total man-hours of 659. Member Meadows reported that due to illness, our department did not get our grant proposal in to the County in time. They appealed for an extension but was not granted one. Only two other departments applied. Member Meadows stated he would like for Mayor Stephens to get a report from the County on who has complied with the county audit requirements, as he feels it would not be right to give a grant to any department that has not complied.

Subject: Administrative Office Report – City Clerk Sandra Doane reviewed the monthly administrative office report with council, reporting that approximately 92.1% of the 2013 tax bills have been collected at January 6, 2014.

Clerk Doane reported we have received our 2014 litter abatement funds in the amount of \$1,274.84 and have received our second quarter HB 413 funds.

Subject: Festivals Update – No report.

Subject: Parks Update – Mayor Stephens reported that the committee will be meeting in February to make some decisions on tearing down the building since we did not receive our land and water grant. Mayor asked if Council wants him to re-apply for this grant. Consensus was to re-apply for the land and water grant.

NEW BUSINESS:

Subject: Open Citizen Comments/Questions – No citizen present who wished to address Council.

Subject: Mayor's Update – Mayor Stephens reported he has sent a donation on behalf of the City in lieu of flowers in memory of Rev. W.H. Goatley to the organization that was stipulated by the family. He also sent an acknowledgement to Ms. Goatley. Rev. Goatley was a long term member of the City Council in previous years. Former Mayor and current Council Member Tom Shroyer spoke at the service on behalf of the City. The police were commended for a great job in handling the parking and traffic for Rev. Goatley's funeral.

Mayor Stephens reported that the McDonald's construction is scheduled to start on January 27, 2014 with opening date set for April 27, 2014.

Mayor Stephens reported we are going to have a new pharmacy in town which will be located on South Main Street in the current Hispanic restaurant. They will have two drive thru lanes. No additional information can be given at this time.

Mayor Stephens reported that United Citizens Bank are getting close on their remodeling plans with late February or early March as a tentative start date. They are having problems with getting state approval on the drive thru.

Member Meadows inquired on what is going on at the old Chevron property. Mayor Stephens stated that McDonalds wanted to purchase this property but wanted the fuel tanks removed and EPA approval prior to an offer being made. McDonalds would like to use it for employee parking and also want to figure out some way for semi parking.

Subject: Board of Adjustments Appointment - Mayor Stephens reported that we need to appoint someone jointly with the other cities to the Planning and Zoning Board of Adjustments. Mayor Stephens recommended to reappoint J.T. Stinson for another four year term to the Board of Adjustments.

Subject: Planning Commission Appointment – Mayor Stephens reported that we need to appoint someone to the Planning Commission. Mayor Stephens recommended to reappoint Joey Bell to this position.

Motion made by Member Meadows and seconded by Member Browning to approve Mayor Stephens' recommendations to reappoint J.T. Stinson to the Planning and Zoning Board of Adjustments and Joey Bell to the Planning and Zoning Planning Commission. On a call for vote by Clerk Doane, all members present voted "Yea".

Subject: New Business/Council – Member Meadows stated there has been a Time Warner Cable wire running in the ditch on Cherokee for about two months. Mayor Stephens stated he would contact Time Warner about this.

Member Shroyer stated that the newly installed speed bumps on Zelcova right at the stop sign are in a bad spot. He has had complaints as well as not liking them himself. Consensus that they would stay as installed since that seem to be working, although maybe a nuisance.

Member Armstrong stated she appreciated Member Shroyer's talk at Rev. Goatley's funeral and that it touched her heart. She especially felt that the crowd appreciated Member Shroyer picking an African-American to step up as Interim Mayor during Tom's absence from the Country during his term as Mayor. Member Shroyer stated he will always remember Rev. Goatley standing by his side during the lawsuit involving one of our industries during his term as Mayor.

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

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 7:33 p.m.

DRANE STEPHENS, MAYOR
CITYOF EMINENCE, KENTUCKY

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