

The City Council of the City of Eminence, Kentucky met in a regular session on Monday, May 8, 2017 at 6:15 p.m. at the Eminence City Hall with Mayor Drane Stephens and the following members present: Danny Meadows, Polly Troxell, Leo Mason, Joey Bell, Fred Downey, and Lee Ann Armstrong. Absent was none. Also in attendance were City Attorney William Brammell, City Clerk Sandra Doane, Public Works Director Matt McAllister, Police Sergeant Mike Wells, Citizens Jerry Clark, Erin McNeirney, Shannon McNeirney, Judith McNeirney, and Steve Clark.

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. Mayor Stephens reported the state has been working on the grate on South Main Street which has resulted in the rebar being cut down so it won't damage tires. The hole, however, is still the same. No progress has been made on the request for signs on Narrow Gage Road prohibiting semis from entry. Mayor Stephens asked if anyone had anything to take back to Magistrate Bates. No one did.

**Subject: Earth Day Request** – Erin McNeirney, a senior at Eminence High School, was present to discuss some ideas she has on Earth Day and education of people on global warming and protection of our environment from pollution. She took this on as one of her projects for the year. One of her ideas it to make recycling a law versus volunteer. Another idea is a hold an event with activities toward preservation of our environment. She is proposing an event on October 21, 2017 for this with music to be provided by Kevin Richards and possibly Our Best providing food. She believes she will be able to get various other groups involved such as the Girl and Boy Scouts. Actual Earth Day was April 22. She would like to have her event from 10:00 a.m. until around 8:00 or 9:00 p.m. Council suggested, based upon experience with other events, that she maybe only hold it until 2:00 p.m. Consensus of council to support Erin in this project.

On the idea of mandatory recycling the council expressed concerns about forcing this onto people, especially with a fee involved. It was suggested that she focus on educating the community first.

Erin expressed that she would also like to promote community gardens and feels she can get the land donated. She passed out a list of materials that would be needed for this to be a success. She feels this would also be therapeutic and assist with juvenile delinquency. Council suggested that she come back next spring on this idea and to promote it during her October event to solicit interest.

**Subject: Annexation Request** – Steve Clark was present to request annexation of his property on Mulberry Road into the City. His property is located directly behind the cemetery and goes all the way to the Devary property at 297 Mulberry Pike. Mr. Clark asked for direction on how to be annexed. Attorney Brammell stated first he needs consensus of council to annex and then provide the City with a survey which would comply with the Secretary of State's requirements. The property would also need to be contiguous with the City already. Once that is complete a consent to annex document would need to be signed and then the City would proceed with the ordinance

to annex. Mr. Clark asked about the cost for doing this. Attorney Brammell stated no cost except for his survey. Mayor Stephens stated he would be willing to call a special meeting if necessary to hold the second reading more quickly. Consensus of council to annex this property if all requirements mentioned are met.

**Subject: Additional Speakers** – Mayor Stephens stated the next two speakers are not present so we will proceed to old business.

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on April 10, 2017 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.

**Subject: Economic Development Request for Assistance** – Mayor Stephens reported we can find a place in the budget to get the requested \$1,000.00 toward economic development if council wants to go ahead and give this to the County this fiscal year to assist with this venture. Consensus of council to wait and pay this request in the new budget which actually has it listed as a line item.

**Subject: Cable Television Franchise Bid Opening** – Mayor Stephens reported receipt of only one bid to provide cable television which was from Charter Communications. Mayor Stephens opened the bid. Council requested that Attorney Brammell review the bid prior to a definite decision being made on this. Attorney Brammell stated a first reading of the ordinance accepting this bid could be read tonight if council in agreement and then if any problems with the bid we could not hold the second reading until resolved.

**Subject: Cable Television Franchise Ordinance** – Attorney Brammell held the first reading of an ordinance authorizing the City to accept the bid submitted by Charter Communications and to authorize Mayor Stephens to sign the cable franchise agreement as submitted.

**Subject: Special Water/Sewer Rates for Splash Pad** – Mayor Stephens stated we need to revisit the discussion held last month on the various possible scenarios for cost of water and sewer at the splash pad. Discussion held including the fact that the Water Department pays for all water purchased. Motion made by Member Meadows to charge the City at cost for the water used for the splash pad and to forgo all charges for sewer for the splash pad. On a call for vote by Clerk Doane, all members present voted “Yea”.

Upon arrival of the other requested speakers, Mayor Stephens stated we will allow them to speak now.

**Subject: Car Show** – Sonya and Greg Kelley were present to propose a car show on June 17, 2017 to benefit a young child who needs medical care. Mr. Kelley stated they would like to hold it on East Broadway in the area between CVS and Citizens Deposit Bank (two sections of the street). They would not be charging any entry fee with all donations going to the child’s family. Mr. Kelley stated he is a safety inspector on street rods and has experience with car shows. No alcohol would be involved. Council inquired the time frame needed for this event. Mr. Kelley

stated he would like to have it between 9:00 a.m. and 4:00 p.m. Discussion held on making sure that arrangements are made for the bank employees parking and to block off the streets the night before. Mr. Kelly was asking for the support of this event and closure of the streets. Motion made by Member Armstrong to authorize the temporary closing of East Broadway from Penn Avenue to Main Street in both directions at 7:00 p.m. on June 16, 2017 until Sunday June 18, 2017 at 6:00 a.m. in order to hold a car show on June 17, 2017. Motion seconded by Member Meadows. On a call for vote, all members present voted “Yea”. Mr. & Mrs. Kelley asked to come back to our meeting on the 12<sup>th</sup> with an update on the event.

**Subject: Drainage Concerns** – Lillian Burdick and Alma Hyatt were present to discuss their concerns with drainage on Thorne Heights. They showed pictures of the flooding in this area whenever it rains and the buildup of the rubber mulch from the school. The flooding has gotten worse over the years. Ms. Hyatt stated she has tried to keep the drains clean over the years but cannot do it anymore as the mulch is so heavy. They expressed concern also with the old clay drainage pipes crumbling which will further increase the flooding. There are huge holes in most of the yards which would hurt someone should they fall into them. Ms. Hyatt stated she is concerned with this water continually going under her house and the possible holes being created there.

Council stated this is a problem of the school and asked if they had been contacted. Mrs. Burdick stated she did call Buddy Berry who refused to do anything. She is hoping the City can force the school to do something.

Attorney Brammell gave some history on this area stating that Mrs. Burdick filed a lawsuit against the City and the School several years stating that water had been diverted into their area. A settlement was reached in mediation. All liability for the City was settled unless we do something after the settlement to make the problem worse. His understanding was that Mrs. Burdick was to make some changes herself with this settlement. No steps were required of the City in the monetary settlement. Ms. Hyatt asked if the City could clean out the ditch behind the houses and clean the drains. Ms. Hyatt was advised that the City cannot go onto private property to do work. Attorney Brammell stated he remembers we had Dave Derrick, our engineer at the time, go and evaluate the area, but cannot remember the recommendations. An easement would allow us to go on private property but he suggests an engineer evaluate the area again.

Ms. Burdick stated only her property was affected years ago but now most of the properties in the area are affected. Member Mason stated he remembers when he was growing up the drainage problem was in this area. Member Downey stated he feels it was an issue even before the playground was installed. Mayor Stephens stated that since the lawsuit the school has definitely make changes which have made the problem worse.

Attorney Brammell stated the City did consider a comprehensive drainage ordinance several years but deemed it not feasible for the City to do.

It was suggested to Ms. Hyatt and Mrs. Burdick that they go to a school board meeting versus just talking to Mr. Berry to discuss these issues.

## **REPORTS:**

**Subject: Police Department Report** – In the absence of Police Chief Kevin Kemper, Sergeant Wells presented the monthly activity report to council. They had 302 total contacts for the month. Twenty-Nine citations were issued on thirty-five charges. Seven individuals were arrested on seven charges.

Sergeant Wells reported on various investigations, training, and student problems. Reported that they are currently working with the secret service on a counterfeit money problem.

Member Downey asked when the new cruiser should arrive. Sergeant Wells reported it has arrived and is at L& W being equipped.

**Subject: Public Works Department Report** – Public Works Director Matt McAllister reviewed the monthly activity report with council. Reported on routine activities.

Mr. McAllister reported the consumer confidence report is finished and has been distributed to the public via various outlets.

Mr. McAllister reported that Tristan Ridge had to do a new water main tap to accommodate a relocated vault which will house their meter as well as provide fire protection.

Mr. McAllister reported we are still dealing with some electrical issues related to the previous lightning strike.

Mr. McAllister reported the bathrooms at the park are open with repairs needed to a toilet and a sink. The new tables have been assembled, installed, and bolted down. Member Armstrong asked if the ceiling was still leaking in the office area. Mr. McAllister stated he would check into this as unsure.

Member Meadows asked about the debris on Blackaby Lane which is scratching some vehicles. Tristan Ridge is responsible for this and will be notified.

Member Mason inquired on the status of the auto reads. Mr. McAllister stated we have about 350 installs to go. Member Downey stated he is getting a lot of complaints on high water bills. Mr. McAllister stated a lot of the really old registers were not working correctly and the new ones are picking up all the usage.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council reporting that her office has collected 96.6% of the 2016 tax billing as of May 3, 2017. We have 48 delinquent tax bills with final notices having been sent. Liens will be filed in June. Clerk Doane also reported on an appeal from CVS for the tax years of 2014, 2015 and 2016. The PVA won the appeal which has resulted in the City being able to send out supplemental tax bills totally \$20,365.16.

Clerk Doane reported on other receipts for the month.

Clerk Doane reported we have finally received the City portion of the audit for fiscal year ending June 30, 2016 which has been sent to DLG and other required funding institutions. We are still waiting on the Water and Sewer audit and the Fire Department compilation report.

Clerk Doane reported that Ms. Baer has initiated Instagram for the City as requested.

**Subject: Second Leak Adjustment** – Clerk Doane presented a request on behalf of Jo Ann Loudon for a second leak adjustment due to carrying over into two different months. The first adjustment already given per our policy was in the amount of \$34.11 with the second adjustment being anticipated at approximately \$45.05. Motion made by Member Troxell and seconded by Member Mason to approve the second leak adjustment for Jo Ann Loudon. On a call for vote, all members present voted “Yea”.

**Subject: Financial Statements** – Mayor Stephens and Clerk Doane reviewed the third quarter budget comparison with Council. Mayor Stephens asked Council to review in depth and if any questions or concerns to let him or Clerk Doane know.

**Subject: Audit Report** – Mayor Stephens presented the City audit report to council. Asked that council review prior to the June meeting with motion to accept being postponed until June to allow for possible receipt of the other audit.

**Subject: Fire Department Report** – Member Meadows presented the previous two fire department reports. Member Meadows stated the department is in need of a new pumper within the next year or so. The 1986 is over 20 years old which would not pass inspection.

Mayor Stephens informed Council that the fire board members can sign up for the sickness and accident plan we have for the volunteers.

**Subject: Festivals Update** – Member Mason reported that the committee meet on May 2<sup>nd</sup> to discuss Eminence Day plans. Reported that Chastity has received permission from the Church to hold the pageant on Friday night for the older girls which will allow them to participate in the parade on Saturday and the younger girls will be held on Saturday. Reported that Karen Paris, who participates in numerous events, came to our meeting and presented several ideas. The music is set, the booths are being worked on and the ads will be sold soon. One suggestion was to have a beer garden. Attorney Brammell was asked to explain his findings on this. Attorney Brammell stated the City cannot sponsor this event and the business doing it would have to apply for a special license. Small breweries would know how to proceed. Alcohol licenses for existing businesses are location specific. Our current ordinance also requires total enclosure so we would need to amend our ordinance to allow this. Consensus to pursue this for next year.

**Subject: Parks Update** – Mayor Stephens reported we will be taking down the fence next week and doing any needed repairs at the park. Suggested that the council let the committee focus on the opening and setting the hours. Member Meadows stated he thinks we should open from 2:00 p.m. thru 7:00 p.m. daily and should turn the splash pad off during inclement weather and perhaps even close one day per week. We will need some signs put up as well. Consensus for the

committee to decide the hours for the first two opening weeks and then come back to council in June for a final decision on the opening hours.

**NEW BUSINESS:**

**Subject: Mayor’s Budget Message** – Mayor Stephens presented and reviewed his budget message with Council. Reported that the budget committee met and approved the budget with only a couple of changes. The budget has no major changes or controversial issues. Council asked to review the line item changes and call if any concerns or questions.

**Subject: Budget Ordinance** – Attorney Brammell held the first reading of the budget ordinance for fiscal year July 1, 2017 thru June 30, 2018.

**Subject: Garbage Franchise Renewal** – Mayor Stephens reported we need to advertise our garbage franchise. Our current franchise ordinance has a clause allowing us to negotiate with the current vendor; however Attorney Brammell stated he does not feel comfortable doing this. Our current ordinance expires June 30, 2018. Motion made by Member Meadows and seconded by Member Troxell to adopt the resolution providing for the sale of a franchise for the business of collection and disposal of garbage, trash and debris within the City limits. On a call for vote, all members present voted “Yea”.

**Subject: Open Citizen Comments** – None.

**Subject: Mayor’s Update** – Mayor Stephens reported on an email sent to him and all council members from Chris Rose with Eminence Speaker concerning our insurance premium tax rate. Discussion held.

Mayor Stephens reported the library got their two million dollar grant to build a new facility. Family Physicians are planning to build a new building as well.

Question asked when the courthouse will be coming to Eminence. Mayor Stephens stated it is still in the architectural stages. Attorney Brammell stated per the committee he serves on it is anticipated to move this year.

Mayor Stephens reported he is getting quotes for the City’s insurance renewal and anticipates not increase with possibly lower premiums.

**Subject: Council – New Business** – Member Meadows asked what could be done about trucks that are losing scrap steel along Shawnee and Mulberry. Mayor Stephens will contact John Carmack at Steel Technologies to try and work something out.

Member Mason stated that Jackie Hayden has complained about the lot behind her that needs mowing. Mayor Stephens stated we have already mowed it once even though it does not belong to the City.

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

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

With no further business to be discussed, motion made by Member Troxell and seconded by Member Mason to adjourn. All members present voted “Yea”. Meeting adjourned at 8:50 p.m.

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DRANE STEPHENS, MAYOR  
CITY OF EMINENCE, KENTUCKY

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