

CITY COUNCIL MEETING  
EMINENCE CITY HALL COUNCIL CHAMBERS

MAY 12, 2014  
EMINENCE, KENTUCKY

The City Council of the City of Eminence, Kentucky met in a public hearing on Monday, May 12, 2014 at 6:00 p.m. at the Eminence City Hall 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 City Attorney William Brammell, City Clerk Sandra Doane, Public Works Director William Smith, Citizens Mark Estes, Roy L. Rose, Rob Goss, Melinda Rucker, Jody Rucker and Henry County Local Representative Will Phillips.

City Clerk Sandra Doane called the public hearing to order at 6:00 p.m.

**Subject: Public Hearing – Municipal Aid Program Funds and Local Government Economic Assistance Funds** - Clerk Doane explained the required uses for the Municipal Aid Program funds stating they must be used on streets, roads, sidewalks, etc. Clerk Doane reviewed the estimated funds available and proposed expenditures from the Municipal Aid Program fund for the 2014/2015 fiscal year.

Clerk Doane explained the required uses for the Local Government Economic Assistance funds stating they must be used for public safety. No expenditures have been budgeted from this fund for the new fiscal year in order to build the fund back up.

Mayor Stephens arrived at 6:05 p.m.

Mayor Stephens asked for comments from the public and if we had received any written comments concerning the proposed uses for either fund. Clerk Doane stated no written comments had been received for either fund.

With no written or oral comments from the public regarding the proposed uses and budget for the MAP and LGEA funds, the public hearing was closed at 6:15 p.m.

Mayor Stephens called the regular meeting to order at 6:15 p.m. with the same individuals present as listed above along with Police Chief Carey Duncan.

Pledge of allegiance held.

**Subject: Bid Opening – Sale of Surplus Cruiser** – Mayor Stephens opened the following bids for the sale of a surplus 2005 Ford Crown Vic Police Cruiser:

Kevin & Debbie Gregory, Sr. – 102 Hillcrest Drive, Eminence, KY 40019 - \$802.00  
Yousef Dabbagh, 2438 Fen View Circle, Island Lake, IL 60042 - \$318.00

Chris McIntosh - \$453.57

Jeremy Raisor, 3863 Eminence Road, Eminence, KY 40019 - \$575.00

Discussion held. Blue book value looked up which shows the retail value being between 950.00 and 1,300.00. Motion made by Member Meadows and seconded by Member Troxell to accept the bid of \$802.00 for the surplus 2005 Ford Crown Vic Police Cruiser from Kevin & Debbie Gregory. On a call for vote by Clerk Doane, all members present voted "Yea".

**Subject: County Business** – Magistrate Scott Bates not present. Mayor Stephens asked if anyone had any issues that he should address with Magistrate Bates.

**Subject: Noise Ordinance** – Rob Goss who lives at 13 Lone Oak Drive was present to discuss a concern with noise he is having with Scriber's Station on Elm. Mr. Goss reviewed a letter he sent to Mayor Stephens addressing his concerns with Scriber's Station on Elm Street which backs up to his property. Mr. Goss stated when the restaurant was in the planning stages he and some of his neighbors spoke with Jason Scriber concerning the opening and were assured by Jason that it would be a nice country cooking family place with occasional live bands a couple of times a year. The occasional couple of times a year have turned into nearly every weekend with the addition of the bar in the rear of the establishment. Even when the bands are performing inside and the doors and windows are open they may as well be performing outside as the noise is unbearable. If he has his windows open he cannot even hear his own television. If the band is outside it is just deafening. The rowdiness of the crowd is also a problem as screaming and yelling of obscenities in the back parking lot is a concern. Safety for his family is also a concern as individuals throw liquor bottles over into his property. He has two small kids and is afraid to let them play in their own yard. The police have tried to help with additional patrols but not much improvement has been noticed. Mr. Goss stated he is not here to try and hurt the business but wants them to do as they said they would. He feels that the restaurant has become more of a loud and rowdy bar, especially on the weekends. Mr. Goss also stated he works a rotating schedule and can feel the vibrations in his bedroom. Mr. Goss stated he would like to see our noise ordinance changed to address some of these problems.

Mayor Stephens asked for suggestions on how to change the ordinance or enforce the one we have which is not very detailed. Member Mason stated Carrollton has an ordinance which states that the decibel reading from the band to so many feet away cannot be above a certain amount. Chief Duncan stated we would have to be able to certify the decibels in court. Attorney Brammell stated there is a KRS statute 224.30.050 to regulate noise with criminal penalties attached and that an individual could file a complaint with the County Attorney based upon this KRS. We could also adopt an ordinance which would be a little stronger than what we have.

Planning and zoning Officer Jody Rucker stated that there are noise issues all over the County with nothing to protect the citizens and he was told that no noise ordinance would ever be enforced in Henry County.

Mayor Stephens stated that the following are the options to try and relieve this problem – 1.) Citizens could file a complaint with the County Attorney based upon the above listed KRS; and/or 2.) The City could get copies of other ordinances that specify noise decibels with information on how to measure and how they hold up in Court.

**Subject: Drainage Problems Caused by New Construction** – Roy Rose who lives at 139 Fairview Drive was present to discuss a drainage issue being caused by the new construction of an addition to the home next to him. The contractor, Keith Perry, has moved the dirt on this property and now has all the water going onto Mr. Rose’s property. Mr. Rose stated he shoveled mounds of dirt off his fence and then Keith leveled it all toward his property. He has drastically changed the elevation on this property which has caused flooding everywhere. Water is now going under his home. Mr. Rose stated he has lived there for 20 plus years with no problem until this contractor went to work. All the driveways are flooded and filled with mud from the recent heavy rain. The drainage is now messed up all the way down the street. Mayor Stephens presented pictures to council of the flooding and problems now created. Attorney Brammell stated this is an issue between the property owners and not a City issue. Mr. Rose stated he feels this is an erosion of the streets as well and should be a City concern. Public Works Smith stated that right of way has been changed and if the extra dirt now present would come out everything should be fine. Mr. Rose stated he has even offered to pay for gravel if the dirt is removed.

Attorney Brammell stated Mr. Rose should have an attorney send a letter so that a response can be received; and if not Mr. Rose should still have a good case with all the pictures he presented tonight. Mr. Rose stated he has already asked one attorney in the County to help him out who turned him down due to his friendship with Mr. Perry. Attorney Brammell gave Mr. Rose some names of attorneys who might help. Mr. Rose asked how far out he could put a fence. Mr. Rose was advised to check with planning and zoning on this.

Member Armstrong stated she believes we have a problem with this drainage too. Attorney Brammell stated that the City can address the right of way issues but that is all.

**Subject: Complaint on Police** – Jody and Melinda Rucker of Pleasureville were present to complain about the way their 17 year old daughter was pulled over and treated for allegedly crossing a yellow line in front of the Dollar Store on Elm Street when leaving work from Scriber’s Station on Elm. Mr. & Mrs. Rucker stated the police officer followed her 2.2 miles before pulling her over. Their daughter stated she was chased down with bright lights flooding her car and that she was also tail-gated by the officer. She originally thought some of her friends or a drunk driver might have been doing this but when it persisted she got scared. The blue lights were not put on until she was in a sharp curve on Hillspring Road. She pulled over in Mary Bryant’s driveway beyond the curve in order to avoid being in a dangerous location. Mr. Rucker stated the fact that the officer claimed to see his daughter cross the line all the way from Vernon Avenue seems to be possibly a concern as well. They want to know why she was bright lighted, tail-gated and followed so long before being pulled over. Mr. Rucker quoted several stats on number of car lengths required and rules on bright lighting. They feel this officer

created a dangerous situation for their daughter. She would have pulled over had the blue lights come on. Due to this incident they have now instructed her not to stop unless in a well-lit area. The first thing the officer asked her was “are you drinking”. Mayor Stephens stated he thought they were just upset over their daughter being stopped at all. Mr. & Mrs. Rucker stated no they are not, but are upset over the way it happened. They have not filed an official complaint with Chief Duncan and may not as they are afraid of retaliation. Mayor Stephens stated he does take all complaints seriously but the procedure of filing the claim must be followed which means it has to go to the Police Chief first. Ms. Rucker stated she feels the officer was being aggressive toward her as well when she spoke with him. Mayor Stephens stated that he did instruct the officer in question to contact the Police Chief first thing the next morning after the incident and that he (Mayor Stephens) did follow up with Mr. Rucker. Mrs. Rucker stated she feels retaliation is a concern. Member Meadows asked Chief Duncan why the officer would go that far before pulling someone over. Chief Duncan stated he cannot answer that question right now. Member Meadows asked how far our jurisdiction goes. Chief Duncan stated countywide. Mayor Stephens told Mr. & Mrs. Rucker that if they want to file a formal complaint to please do so and it would be followed up on.

### **OLD BUSINESS:**

**Subject: Minutes** – The minutes of the previous regular session held on April 14, 2014 were reviewed with revisions. Mayor Stephens asked for any other additions or corrections to the minutes. With no further additions or changes forthcoming, Mayor Stephens stated they would stand approved as revised and presented.

**SUBJECT: Zoning Ordinance Amendment** – Attorney Brammell conducted the second reading of an ordinance amending sections 325 and 770 of Zoning Ordinance, Henry County. Motion made by Member Meadows and seconded by Member Mason to adopt Ordinance No. 2014-001 called an amendment to an ordinance called zoning ordinance, Henry County, Kentucky as read. On a call for vote by Clerk Doane, all members present voted “Yea”.

### **REPORTS:**

**Subject: Public Works Department Report** – Public Works Director William Smith reviewed the monthly activity report with council. Mr. Smith reported that the contracts for construction of the Wastewater Treatment Plant expansion have been signed. The sludge permit has been approved by the Division of Water. Several houses are under construction in Quail Run and Elmcrest Subdivisions. The McDonald’s water service is installed. Repairs have been made to the roads from winter leak repairs and the Penn Avenue sidewalk has been repaired.

Member Meadows asked if we could start notifying landowners whenever their tenants are late on their water bills each month. Discussion followed with Clerk Doane stating this would be an undue burden on her office staff each month. Attorney Brammell stated we would also have to have the renter sign an authorization to release this information. Clerk Doane stated she felt it should read that the landlord could call us each month if they choose to rather than us calling

every landlord in town. Attorney Brammell will look at revising the contract for possible amendment.

Member Armstrong asked Public Works Director Smith if he could use some of the senior boys from school who need community service hours. Mayor Stephens stated he would have some work for them after Friday and to call him instead.

**Subject: Wastewater Treatment Plant Expansion Project Update** – See report above.

**Subject: Police Department Report** – Police Chief Carey Duncan reviewed the monthly activity report with council. Chief Duncan reported they had 259 total contacts for the month. Nine individuals were arrested on twenty separate charges. The Department had six DUI's and four other alcohol related charges this month.

Chief Duncan reported that enforcement of the property ordinance is going strong due to high grass. A lot of problems exist with this due to a lot of vacant properties and finding the owners of the property.

**Subject: Administrative Office Report** – City Clerk Sandra Doane reviewed the monthly administrative office report with council, reporting that approximately 95.4% of the 2013 tax bills and franchise additions have been collected at May 6<sup>th</sup>. Mayor Stephens stated we will be commencing with small claims to collect delinquent property tax bills again soon.

Clerk Doane reported that we are changing credit card companies which will offer a lower fee to our customers and also allow them to pay their bill online through our website. At the current time the customer will have to have their account information available as there is no lookup option.

**Subject: Third Quarter Budget Review** – Clerk Doane and Mayor Stephens reviewed briefly the third quarter budget comparison with council stating that no significant problems areas are noted at this time. Council asked to review in detail and get back with the City Clerk if any questions or concerns.

**Subject: Fire Department Report** – Member Meadows reviewed the Fire Department report with council which showed five total runs and special details in April for total man-hours of approximately eighteen and a half. Member Meadows asked Council to approve the following line item changes for the fire department to be able to proceed with upgrading their rescue equipment tools:

Move \$4,000.00 from Line Item # 924 Professional Fees to Line Item #260 Equipment  
Move \$1,000.00 from Line Item #940 School and Special Training to Line Item #260  
Equipment  
Move \$3,000.00 from Line Item #947 Uniforms and Accessories to Line Item #260  
Equipment

for a total transfer to equipment of \$8,000.00. Motion made by Member Armstrong and seconded by Member Troxell to authorize the line item changes as listed above for the Fire

Department to purchase the upgraded rescue equipment tools. On a call for vote by Clerk Doane, all members present voted “Yea”.

Mayor Stephens stated he would like to honor the Lucas family for all their service to the community. We started this several years ago by giving a “Ronnie Lucas” award each year and for whatever reason have not continued to do so. Mayor Stephens stated he would like to have a dinner to honor the family and start the award up again. October is Fire Prevention Month so he would like to do this then.

**Subject: Festivals Update** – Member Armstrong reported on the last committee meeting. Member Armstrong stated they want the banners up one month in advance. At the present time fifteen ads have been sold with seventeen booths already rented. Theme chosen and music set for the day. Other activities are in the works

**Subject: Parks Update** – Mayor Stephens reported nothing new to report.

### **NEW BUSINESS:**

**Subject: Resolution Approving Wastewater Treatment Project Expenses** – Attorney Brammell reviewed a resolution to approve three invoices on the wastewater treatment project – one payable to CEDA, Inc. in the amount of \$5,000.00 (from CDBG funds); one payable to Pace Contracting, Inc. in the amount of \$13,500.00 (KIA IEDF funds) and one payable to Derrick Engineering, Inc. in the amount of \$2,068.09 (KIA IEDF funds). Motion made by Member Meadows and seconded by Member Mason to approve the resolution as presented approving the invoices for payment. On a call for vote by Clerk Doane, all members present voted “Yea”.

**Subject: Ordinance Updating Salary Scale** – Attorney Brammell held the first reading of an ordinance updating our current salary scale within the pay/compensation plan.

**Subject: Mayor’s Budget Message & First Reading of Budget Ordinance for the Fiscal year 7-1-14/6-30-15** – Mayor Stephens presented his budget message to council summarizing its content. Attorney Brammell held the first reading of the budget ordinance for fiscal year 7-1-14/6-30-15.

**Subject: Open Citizen Comments/Questions** – No one present to address council.

**Subject: Mayor’s Update** – Mayor Stephens reported that the old Brunswick factory has been demolished. The new United Citizens Bank is still scheduled for opening in July. Eminence Apothecary is into its third week and doing well. Member Armstrong asked for help in contacting the owner of the old Brunswick property for permission to use during the parade. Mayor Stephens stated that Johnson’s Flooring will be having their grand opening on Wednesday of next week.

Mayor Stephens stated he has purchased business cards for all the council with City email addresses. When the tablets are ready for everyone the council will be able to access their email from these after Joyce Meyer gets all the ordinances and minutes loaded onto them. Everyone will be trained on these once ready to go.

Mayor Stephens stated that all Council will be receiving an email invitation to attend the McDonald's VIP party on May 28<sup>th</sup> at 6:00 p.m. Try to wear your name badges.

**Subject: New Business/Council** – Member Mason stated he has had a complaint on 220 Merriweather Avenue for high grass.

Mayor Stephens reported that the old Deli-Plus is being converted to a Mexican Restaurant and grocery and that Cowboys is under new ownership by Michal Patel. Member Armstrong stated he is requesting transfer of the alcohol license for this business.

The economic development committee has compiled a list of possible properties for rent or sale for inclusion onto our website if the owner so desires. Mayor Stephens will take care of contacting the owners for their permission.

Note was made of the Small Town Eminence presentation on WLKY recently which featured Mayor Stephens.

Mayor Stephens stated he did receive a letter from Martha Tarry Simpson complimenting the City on the newsletter.

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

With no further business to be discussed, motion made by Member Shroyer and seconded by Member Meadows to adjourn. All members present voted "Yea". Meeting adjourned at 8:38 p.m.

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DRANE STEPHENS, MAYOR  
CITYOF EMINENCE, KENTUCKY

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