

## **MINUTES REGULAR COUNCIL MEETING**

**CITY OF SHEPHERDSVILLE,**

**MONDAY, January 24, 2011**

Officer Tim Wade gave the invocation

Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:29 p.m. and thanked everyone for coming.

In attendance were Council members Bernie Brown, Don Cundiff, Bonnie Enlow, Larry Hatfield, Faith Portman and Alan Wetzel.

Mrs. Enlow made motion to dispense with reading of the minutes from the January 10, 2011 City Council meeting. Mrs. Portman 2<sup>nd</sup>. Motion carried 6-0 absent. Mr. Cundiff made motion to approve the minutes. Mr. Hatfield 2<sup>nd</sup>. Motion carried 6-0 absent.

Mr. Cundiff made motion to dispense with reading of the minutes from the January 13, 2011 Special meeting. Mr. Wetzel 2<sup>nd</sup>. Motion carried 6-0 absent. Mr. Wetzel made motion to approve the minutes. Mr. Cundiff 2<sup>nd</sup>. Motion carried 6-0 absent.

Mr. Hatfield made motion to dispense with reading of the minutes from the January 22, 2011 Special meeting. Mrs. Portman 2<sup>nd</sup>. Motion carried 6-0 absent. Mrs. Portman made motion to approve the minutes. Mr. Hatfield 2<sup>nd</sup>. Motion carried 6-0 absent.

Mayor Ellis had no announcements at this time.

### **Old Business: None**

Mr. Hatfield made motion to bring approval of bills off the table. Mr. Cundiff 2<sup>nd</sup>. Motion carried 6-0 absent. After some discussion Mr. Hatfield made motion to pay November and December City bills highlighted in yellow on the bill sheet (\$92,326.12). Mr. Cundiff 2<sup>nd</sup>. Motion carried 6-0. Motion was made by Mr. Hatfield to pay November and December Sewer bills highlighted in yellow on bill sheet (\$10,750.23). Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0 absent. Mr. Hatfield made motion to pay January City bills highlighted in yellow on bill sheet (\$7023.09). Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0 absent. Motion made by Mr. Hatfield to pay January Sewer bills highlighted in yellow on bill sheet (\$10,644.58). Mr. Cundiff 2<sup>nd</sup>. Motion carried 6-0 absent. Mr. Hatfield made motion to table the remaining bills. Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0 absent.

### **New Business:**

City Attorney John Cook read Resolution 011-003 authorizing changes in checking accounts at PBI Bank. Mr. Hatfield made motion to approve. Mrs. Portman 2<sup>nd</sup>. Motion carried 6-0 absent.

City Attorney John Cook read Resolution 011-004 authorizing changes in checking accounts at Republic Bank. Mrs. Portman made motion to approve. Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0 absent.

Mayor Ellis asked for a motion to take over the Heritage Hills pump station. Mr. Hatfield made motion to approve. Mrs. Portman 2<sup>nd</sup>. Motion carried 6-0 absent.

**Planning & Zoning update-** Daryl Lee: None

**Board of Adjustment update-** Duane Price reported there were three issues concerning Shepherdsville at the last meeting. Mindel, Scott & Associates requested a variance to allow a reduction in the size of parking spaces from 10' x 20' (200 sq ft) to 9' x 18' (162 sq ft) at Lot 12B, Omicron Court, Cedar Grove Business Park; the request was granted. K & B Enterprises requested a variance to allow installation of a 54.63 sq ft sign for Little Caesars Pizza that will exceed the 25 sq ft allowance on 445 Highway 44 East; the request was granted. 2-M Tractor requested a variance to allow applicant to encroach 50' into the front yard setback requirement with a mini storage warehouse at 960 S. Preston Highway and a variance to allow the applicant to encroach 15' into the side yard setback requirement with a mini storage warehouse at 960 S. Preston Highway; these requests were granted.

**Mr. Brown** asked about the Southeast Bullitt Fire District lawsuit settlement. City Attorney Cook stated he has contacted Jim Winchell to continue and finish this lawsuit. He stated Southeast Fire District had agreed to pay the city \$1 million and the City will pay them \$20,000. Mr. Cook stated some language needs to be changed and all parties will again sign off on the Agreement. Mayor Ellis stated he would contact Mr. Winchell the next day.

**Mr. Brown** introduced Marty Brown to speak to the Council about the financial situation it's in. Mr. Marty Brown stated there are four things that need to be done immediately: Everyone needs to stop back and take a deep breath; we're here, the problem exists, now we need to find ways to fix it; Mr. Brown suggested tracking daily the cash coming in and going out; Mr. Brown suggested making contact with the Department for Local Government. They're in business to help City's solve problems such as these. He suggested the City start working on revenue and expenses. What happened? The financial audit did not give all answers. Mr. Brown did say that the Council should keep in mind the problem will get worse before it gets better. The fourth item is once its known how deep the problems are starting a plan on how to get out of the situation. Lenders will want to know how we are going to pay. Mr. Brown told the Mayor and Council he would compile a list of name of a professional organization to help. He also stated the City really needs to think about terms of borrowing.

Mr. Brown stated we've taken our first step in securing a line of credit. We can't get to the second step until we figure out how much needs to be borrowed and he suggested a General Obligation Note that can be paid off up to and including 5 years. He stated a General Obligation loan can be negotiated. A note transaction can close in 1 to 4 weeks but you will have to pass an Ordinance to include with the loan. Mr. Brown stated he does not recommend borrowing money from KLC because the note cannot be paid off early.

Mrs. Portman asked if citizens could be on the financial committee. City Attorney Cook said he would check into that.

**Sign-in Speakers:** Ms. Tracy Glasscock with Wabuck Development addressed the Council about an elderly development to be located at Hensley and Highway 44. She stated it would be a \$4 million development with 28 units. She stated she needs a support letter to include with the funding application. The Mayor and Council agreed this was a good project to support and a letter will be written by the Mayor and sent to Ms. Glasscock.

Mr. Jonathan Richardson was present to address the Council regarding Jay Jayz Club. He stated in April it opened as a teen club which did not go over very well so a bar was opened. He inquired about the decibel level and stated Officer Tim Wade had been to the establishment several times on noise complaints. Mr. Richardson said they wanted to install double doors but County Code enforcement would not allow that. He feels like the City is wasting money by having its Police Officers and ABC Officer at this establishment all the time and feels like someone has a grudge against them and they are being targeted. He asked what they could do to resolve the problem. Mayor Ellis explained to Mr. Richardson that when the police department gets a call from a resident for any reason they will respond. They have a job to do and they do it well. City

Attorney Cook asked Mr. Richardson if they had made contact with the complainant and spoke with them about resolving the problem. Mrs. Enlow stated there are federal regulations on noise decibels and she will make that available to Jay Jayz. Mr. Richardson also stated he feels the speed limit sign in posted to close to his business and it drops from 55 to 45 and that his customers are being stopped after leaving his business. He asked about entrapment. The Mayor and Council agreed that the speed limit sign has been there and will stay there. They encouraged Mr. Richardson to explain to his customers if the concern is speeding upon leaving his business.

**Departmental reports:--None**

**Council reports:**

**Faith Portman** stated she has received several phone calls on the City's financial condition. People want answers. Who is responsible? How are taxpayer's going to be affected? What is the long term fix? She stated there are some tough decisions to be made and before any layoffs happened we should have looked at the budget and make cuts there; we should have look at other avenues. Mrs. Portman stated she would like to see itemized invoices; past due bills; and bring citizens in on the financial committee.

**Larry Hatfield** asked if employees whose spouses can get health insurance at their place of employment had notified the City to be taken off the City's plan. He stated employee's spouses do not have to wait for an open enrollment period if it is a live changing event their employer can have them added on immediately. Mr. Hatfield also apologized to the public; he stated there were thinks he should have been tougher on. Mr. Hatfield also wants it on the record that he is not in favor of cops driving cars home out of the County. Mayor Ellis stated that each police officer that is driving their car home is paying the City \$20.00 a month to do so and that the City is no longer paying to have their uniforms cleaned. Mr. Hatfield also asked the fire department to stop driving the fire truck to Kroger. He is getting a lot of complaints on it as are other Council members.

Mr. Hatfield made motion that there will be no pay increase for the next two years with the Council and Mayor included. Mr. Brown 2<sup>nd</sup>. Mr. Hatfield stated we are going to have to seriously look at our finances. Mr. Brown feels much better about pay freezes instead of laying people off. Motion carried 6-0 absent.

**Bonnie Enlow** feels at fault also and stated she trusted the wrong people but guaranteed changes will be made at this will not happen again on her watch. She also thanked the City and Shepherdsville FOP for their support in the passing of her father.

**Don Cundiff** stated there is plenty of blame going around and we all bear some responsibility. We accept the responsibility and are going to make choices that are not going to be popular but he is not in favor of raising taxes and assures we will do better in the future.

**Bernie Brown** stated he feels we are not getting all we should be getting on our occupational tax. He stated we need a record of all companies who has a tax incentive. Mr. Brown also stated the public should not be punished.

Motion by Mr. Hatfield to go into Executive Session to discuss personnel. Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0. Adjourned to executive session at 8:25 p.m.

Motion by Mrs. Portman to reconvene to regular session. Mrs. Enlow 2<sup>nd</sup>. Motion carried 6-0. Reconvened regular session at 8:49 p.m.

City Attorney John Cook stated the Council determined that the three employees laid off will be reinstated with back pay.

Mr. Hatfield stated he did not know that Layne Troutman was now Fire Chief. Mayor Ellis stated that Brad Whittaker had resigned and he appointed Layne to fire chief. Mr. Hatfield asked that in the future to please inform the Council on Department Head changes.

Mrs. Portman made motion that the Police and Fire Departments only be covered by the Civil Service Ordinance and this would not include Chiefs. Mr. Cundiff stated he would like to hold off any discussion on this because there is enough to think about at this time. With that Mrs. Portman withdrew her motion.

Motion to adjourn by Mrs. Enlow. Mrs. Portman 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 8:50 p.m.

R. Scott Ellis, Mayor

Tammy Richomond, Acting City Clerk