

**CITY OF SHEPHERDSVILLE
SPECIAL MEETING
Wednesday, February 13, 2013**

In attendance were Council members Bernie Brown, Jose' Cubero, Dana Bischoff James, Clinton Kline and Gloria Taft.

Mayor Ellis called the meeting to order at 6:30 and stated the purpose of this special meeting is for hearings requested by residents of Shepherdsville for delinquent trash bills that they have had from the City of Shepherdsville Code Enforcement. At this time I'm going to give the folks from Eco-Tech an opportunity to stand up and introduce themselves to the Council.

In attendance from Eco-Tech: Tim Myers introduced Robert Lee, President of Eco-Tech and stated they would like to take this opportunity to thank you all for the support you've given us in this issue and we feel a lot better about Shepherdsville. I think we can do some good things. City Attorney Wantland: Have you noticed any percentages of delinquencies down? Robert Lee: We have had some. Mike is going a tremendous job, the Chief, the Mayor has really put a tremendous effort out on this thing and I think we're only seeing the very beginning of it and as we continue with this process, with your help, that the word will get out and they will understand that they are going to have to pay their bill. That's all we wanted to begin with so we appreciate everything you all have done. Mr. Lee introduced Heather Pettell, Office Manager, she knows everything about Shepherdsville; Matthew, my son, he is General Manager of the Company, he's been with me since the beginning; my other son Bobby, the Operations Manager. Bobby will be the one that if you're having any service issues or anything Bobby will be involved in that. We didn't know for sure that you all were going to be concerned about service problems or not. We would hope that we would get them resolved before it came to you but we do offer that if you want to do that. Mayor Ellis: Those will be some questions that will be able to be answered as we go. Jose' Cubero: What I wanted to ask is when citizens call the office will they have reference to call him. Robert Lee: They would call; we answer the phone right away. Heather takes most of them and if it's a service issue then she will give them to Bobby. Jose' Cubero: If someone comes into the office here, they will have a number to contact you immediately. Robert Lee: Yes. Mr. Lee introduced Bryan Slade. Bryan is the Vice President of the Company. Tim Myers: Our telephone number is on our totes too at each house and it's also on the bills. Jose' Cubero: I just wanted to know if they had a person they actually call. If they came in here and were frustrated, if they come here if they had to call somebody, that's usually what they want, they come here and the number they call if they upset. City Clerk Richmond: When a citizen comes in Brenda will give it to me, I'll immediately send Heather an email and she immediately gets right back. Normally Heather and I have the communication and Brenda takes care of issues when I'm off. Robert Lee: I see that most of you have the information in front of you. You can tell that we take a lot of good notes in regards to just about every conversation we have over the phone. Whoever is doing that conversing will take notes so we've got history back to 2008 in some locations. That will help us out as we go forward also. City Attorney Wantland: Going forward it's really important that at the expiration you bill on a three month cycle. 30 days after that three months the City really wants to be in the loop on the delinquencies. Going forward I think we are really focused on the idea that these people have contact immediately on delinquency. Three months, 30 days no pay, let's try to be on that. I'm getting people who say it's been several years and they didn't have any notice. We'll get into that tonight but we're not going to do business that way going forward on what I hear from the Council and Mayor. Robert Lee: You'll hear a lot of that. Heather would you like to tell them how our delinquent notices go out, when they do and what they look like. Heather Pettell: They go out 30 days after the due date they get their first notice; and every single letter has the Ordinance printed on the back of it. Once they reach two cycles we actually take their bill and we staple it to the Ordinance so they have to look at the Ordinance in order to get to the bill. We also make phone calls. Mayor Ellis: Once you send that letter out like you do, the past due, make sure the City has that so that we're able to intervene pretty quick. Bernie Brown: So they do get a copy of the Ordinance with their past due notice? Heather Pettell: Yes. Robert Lee: It's been that way for how many years? Heather Pettell: We use to send out our bills on postcards, part of the Ordinance was referenced on the back. Then when they got their warning letter, when they were 30 days delinquent, the Ordinance is actually printed on the back of the letter. Every single past

due notice has the Ordinance attached. Bernie Brown: Has Eco-Tech notified the City of every delinquent resident who is delinquent with their garbage payment? Heather Pettell: Every delinquent back from when we did it in December we did. Bernie Brown: I'm talking about over the four year course of the contract? Heather Pettell: Yes. Robert Lee: It would have been an email with a spreadsheet sent to Tammy. Robert Lee: It goes to the resident so if it's a landlord we're not seeing that the landlord is seeing it because we did not know who is renting and who wasn't. We have an address; we were dealing with the person at the address. A lot of times that particular person was not paying. And only through Heather's tenacity in regards to try and find who actually is responsible, we found some landlords and of course we're finding more and more as the word comes out. Gloria Taft: At what point do you notify. You send the delinquent notices, at what point does the City find out that this person is now three months behind? I guess technically when you send them their 30 day notice they would be four months behind in payments. Heather Pettell: We're only sending them once they were two cycles behind because a lot of people don't pay and most residents do not pay until their three months after the fact. Their bill goes out in January almost half the residents don't pay until March. They are due in January but the majority of the residents do not pay until March. Gloria Taft: You're looking at maybe six months before the City is notified? You say cycles, I'm confused. Months or billing cycles because you only bill every three months. Heather Pettell: We bill every three months correct. Once they were one cycle past and their new cycle went out they would go on the list. Gloria Taft: You mean a cycle is every three months? Heather Pettell: Every three months. So once they were past due it actually will be four months that we were originally sending them and then we had the trouble with issues where we couldn't get anybody to help us collect on it so we stopped sending them. Gloria Taft: I think the City needs to know when you send that first delinquent notice. That way we don't find ourselves dealing with \$500 and \$600 if we can say we're not going to let you get more than one cycle behind; maybe that will help them, you were due three months ago, now we're four months, that's enough. Heather Pettell: You realize that's going to be a couple thousand residents? Tim Myers: By Ordinance the billing goes out in advance, 15 days later they are due, if it's not paid within 15 days it's technically late and a 10% penalty or \$5 fee can be added to the bill. Gloria Taft: But if we don't know until six months down the road that they are late. We had to clean up the whole backlog but now that we're doing that and now that we're starting to get everything straightened out, I think we need to be proactive and start hitting them right away instead of waiting. Bernie Brown: I understand Eco-Tech has notified the City of all delinquents. What has the City done? City Attorney Wantland: We are literally going out individually through the Code Enforcement Officer. Bernie Brown: They are now but I'm going back 3-4 years ago? Mayor Ellis: I can't answer what the previous Mayor was doing 3-4 years ago. Bernie Brown: So the City is a little delinquent there? City Attorney Wantland: The City has been very delinquent. Mayor Ellis: We're trying to right wrongs that have been done at other times. Like I've said several times Bernie any time it ever went to Judge Becky Ward, she always said you're wasting my time coming to my courtroom. Don't come in here anymore. City Attorney Wantland: That was previous when Mayor Sohm was Mayor. I was there with Mrs. Richmond on occasion and I will tell you we were not treated kindly by the District Judge. Mayor Ellis: I enjoy having a \$9.77 a month trash bill instead of a \$10-\$11 a month because people don't want to pay their bill. And I don't think the rest of the citizens of this City should subsidize folks not wanting to pay their trash bill. That's way we're sending Brother Mike out to try to get these folks to finally pay. Dana Bischoff James: What is the step by step procedure when the officer goes out? City Attorney Wantland: The officer is going to cite them and they are going to be prosecuted criminally for violation of the Ordinance. We're not doing it civilly we're going criminally after the notification from the Code Enforcement Officer in the form of a citation. The citation triggers a different kind of avenue. You're still in the District Court, you'll have Judge Ward or Judge Porter, but what will happen is the idea is have you complied with the solid waste pick up ordinance; most of the time it's pretty perfunctory that they have not been, I think the County Attorney will work with the Judge, give these people an opportunity to pay first and that's really what we want. Court cost is running about \$155.00 for a citation with a dollar in cost so it's \$156.00 that goes to the Court. Dana Bischoff James: Are we being compensated for Mike's time? Mayor Ellis: Yes. When the folks are paying, and that's one of the things we're seeing, a lot of folks are coming in and paying or even calling Eco-Tech and paying, and we do have in our agreement with them a \$25 service charge that is paid to the City of Shepherdsville for us going out to collect these. Most of the people we've not had to go the avenue to court. Either they've requested a hearing which is what we're hearing tonight or they are coming in and paying. City Attorney Wantland: We're doing the same thing with parking citations. As a disclaimer I told the Chief, Brother Mike, we have

prepared documents that I think pass muster but we're going to have a question and questioning of how we do things. We do allow due process as in tonight for people to protest. We're trying to be constitutionally correct. They are going to challenge some of the documents that have been prepared. I drafted them. I did the best I could. I know that somebody else is going to grade my paper. I think they'll pass muster but it's going to be a learning process. But at least we've started something different and it's going to generate money and resources for the City.

Mayor Ellis: Let's go ahead and call our first person in. Chief Puckett: The first one wants to bring somebody in with him. City Attorney Wantland: A friend I guess I have no idea. If he's a witness he can come in. If he's not a witness or a legal representative he should stay out. For purposes of this meeting I need a motion from the Council to have this in a private setting. Bernie Brown made motion to hold in private setting. Jose' Cubero 2nd. Motion carried 5-0-1 absent.

Daniel Greenwell, New Haven Properties, 121-1/2 Windsor Avenue, Bardstown, KY: I'm a little on the clueless side on why we're all here so maybe you all can catch me up here a little bit on what this is all about. Mayor Ellis: We're here tonight due to Eco-Tech trash pickup in the corporate limits of the City of Shepherdsville and we see that you have property at 168 Haley Avenue and 270 Old Ford Road. Mr. Greenwell: Those would both be properties that I own. Mayor Ellis: What this is for is past due garbage pickup. Mr. Greenwell: I don't live in either one of those dwellings and don't throw any garbage away at either one of those dwellings. Mayor Ellis: Are you the owner of those properties? Mr. Greenwell: Yes. I lease those properties out. Mayor Ellis: Okay. Per our Ordinance if you're the owner and you're tenant does not pay it comes back to you as the owner. Mr. Greenwell: Is Eco-Tech here by any means? Do they attempt to collect any from the actual people who are responsible for the garbage bill? Heather Pettell: We sent several notices and we've talked to the renters. Mr. Greenwell: Do you all take deposits before you start doing garbage collection? Heather Pettell: No we're not required to take a deposit from a City franchise. Mr. Greenwell: Why wouldn't you take a deposit? You are obviously having a problem with people not paying their bills. Robert Lee: It's not in our contract with the City. City Attorney Wantland: You take a damage deposit don't you? Mr. Greenwell: For my property. City Attorney Wantland: You take a deposit so you have a deposit. Mr. Greenwell: Just like the electric company takes a deposit, Insight will take a deposit; the water company will take a deposit. City Attorney Wantland: The water company in City of Lebanon Junction makes the landlord responsible for the water bill. Mt. Washington, the landlord is responsible for the trash pickup, the water and sewer bill. Gloria Taft: I have 8 rental units I'm responsible for all the utilities that my tenants do not pay. That's why I hold their deposit. Mr. Greenwell: Are they single family dwellings or our these apartments? Gloria Taft: Single family dwellings. City Attorney Wantland: Apartments usually contract with Eco-Tech for dumpsters and the owner of the properties is responsible for payment. Mr. Greenwell: Just saying just because I'm looking to do some apartments in the City of Shepherdsville, are you allowed to contract with another provider? City Attorney Wantland: No. Mr. Greenwell: Why would you not be allowed too? City Attorney Wantland: Because the Ordinance is an exclusive Ordinance. We do pretty much what they do in Bardstown, Shepherdsville, Mt. Washington, Lebanon Junction, and Hillview. Mr. Greenwell: Bardstown don't make the landlord be responsible for the trash. City Attorney Wantland: They do and they have exclusive franchises for garbage pickup. Mr. Greenwell: I don't think they have an Ordinance saying the landlord is responsible. City Attorney Wantland: Usually it's on the water bill. Mr. Greenwell: That's just like in Nelson County the garbage bill is on the Salt River bill. City Attorney Wantland: And I'm working diligently to get that on there. Mr. Greenwell: That would make that a whole lot easier. Mayor Ellis: We're hoping in 2014 you'll see it on your water bill. Mr. Greenwell: So you guys want me to collect a bill for them? You want me to be the collection agency for Eco-Tech? Mayor Ellis: What I would recommend you do... Mr. Greenwell: I'm not asking what you want me to do you're saying you want me to be the collection agency for Eco-Tech. Gloria Taft: We want you to be responsible for your properties. Mr. Greenwell: I am responsible for my actions and my properties. City Attorney Wantland: No you are not. If you want to have someone in this house garbage pickup service must be paid. Mr. Greenwell: So am I responsible for their cellphone bills, wiping their baby's butts? Gloria Taft: If you'd like to be. Mr. Greenwell: I don't want to be I'm not in the garbage collection business. I'm not in the garbage business I'm in the rental business. City Attorney Wantland: You put somebody in the house; you had every opportunity to leave that house vacant. You chose to do business... Mr. Greenwell: Excuse me

but if I leave the house vacant are you still charging a garbage bill for it? Gloria Taft: Not if you notify Eco-Tech that the house is empty then there won't be a charge. But if you don't notify them that the house is vacant they don't know that its vacant, they don't know not to pick up garbage from there. So it's up to you to notify them that there is nobody in there at that particular point in time to stop service. Jose' Cubero: Mr. Greenwell, is the person still living in the property? Mr. Greenwell: I don't even know what the bill is, who it was for. I'm kind of coming in here blindsided a little bit. Jose' Cubero: Do you have new residents in these two properties or have they been living there for a while? Mr. Greenwell: I have a couple properties open right now. I have one that's open on Old Ford Road and Haley Avenue both. I'm not exactly sure because I only have 15 properties so I'm not sure if those are the particular properties. Jose' Cubero: So you don't know if there is somebody is those two properties? Mr. Greenwell: No not really. My brother takes care of that side of the business for the most part and he couldn't be here tonight. Jose' Cubero: My question to you is this, it would seem to me that would be the first thing to find out if these two people are still in there because you're having to make the opportunity to come out here in front of us as far as the Ordinance it would behoove you for your brother to find out if these are the same people in this house. What I'm saying at this point your recourse is to go to the people that are in your properties and to be sure that they take care of paying this. That's our concern is to enforce the Ordinance and we're just going what we want to do for all citizens here. Mr. Greenwell: So you guys want me to be responsible for collecting? Jose' Cubero: You are the owner of the property. Mr. Greenwell: I know but I don't throw no trash away. City Attorney Wantland: Mr. Greenwell you are responsible. Mr. Greenwell: No no they're responsible. You're responsible for your own actions. If you go out here and smack a police officer you're responsible for that not me. I'm not responsible for your actions. Mayor Ellis: You do own the house and that makes you responsible. Mr. Greenwell: What if I owned the car that he smacked the police officer with would I be responsible them? No. I'm not going to be responsible for it. It's action. It's all about personal responsibility. Mayor Ellis: The action is there is an Ordinance that pertains to City properties and you sir are a City property owner and in that Ordinance it states that if the person you are renting the house to does not pay that trash bill you as the owner are responsible. Mr. Greenwell: Are you guys sending police officers after these people for not paying their garbage bills? Gloria Taft: Do you have a forwarding address for these people that you've supplied to the City? City Attorney Wantland: I think they are still in the property that's the thing. Mr. Greenwell: I don't know if they are in the property or not. How long do you all go before you start sending police officers out? I don't even know how big these garbage bills are? Old Ford Road grand total is \$186.50 and Haley Avenue grand total is \$259.05. Mr. Greenwell: How come you haven't sent a police officer before it got to that point to the house? City Clerk Richmond: She's been trying to collect this since October of 2008. Mr. Greenwell: But you've had the police get a hold of me but you haven't had the police get a hold of them? Gloria Taft: You're the homeowner. Mr. Greenwell: I aint throwed a piece of garbage away why wouldn't you be as aggressively after the person actually throwing the garbage away as you are after me? Bernie Brown: Mr. Greenwell, have you seen this ordinance. Have you ever been given a copy of this Ordinance? Mr. Greenwell: I just got a copy of the Ordinance. I don't live in Shepherdsville. I don't get your newspaper. Bernie Brown: You were never given a copy from Eco-Tech? Mr. Greenwell: Not that I'm aware of no. Heather Pettell: Mrs. Greenwell, I don't know if that's your brother's wife. Mr. Greenwell: Nicole Greenwell. Heather Pettell: Yes I spoke to her. I also talked to Curt. Do you own property on Reichmuth? 137 Reichmuth is past due too there's a balance of \$387.00 on that one. Mr. Greenwell: How long has that been due? Heather Pettell: It goes all the way back to 2009. Your current resident I've got as Roger Borland, he's also past due, he owes \$210.50. Mr. Greenwell: How come you guys aren't sending the police down there to try to collect from them? City Attorney Wantland: We are sending police and the people evidently have contacted your company about your delinquencies. Mr. Greenwell: I haven't been delinquent on nothing. I bet you aint got a signature of me saying I want service with Eco-Tech anywhere. I've never throwed a piece of garbage away in this town that I haven't paid for so I don't understand how you guys think that it makes sense to transfer someone else's debt on me. Clinton Kline: It's not someone else's debt. By ordinance it's your debt. Mr. Greenwell: How is the logic of thinking come to that it's my debt when I'm not throwing any garbage away? Mayor Ellis: Because your name is on the title sir. Mr. Greenwell: I'm not throwing any garbage away. How does that train of thought come from somebody else is throwing garbage away and you need to pay for it. Mayor Ellis: Then charge them an extra \$10 a month on their rent. That way you know you're paying the bill. Mr. Greenwell: I'm not in the garbage business guys. I'm in the rental business. I don't have the staff for this kind of crap. City Attorney Wantland: You're in the people business

and people have trash. You're affording them a place to live and you chose them to afford a place to live in Shepherdsville which has mandatory garbage pickup. Mr. Greenwell: I get mandatory garbage pickup. Garbage needs to be picked up. But the person who throws it away needs to be the one responsible for it who needs to be legally held accountable for it. Dana Bischoff James: Mr. Greenwell as the Mayor stated it would be much easier for you to add it in to your contract with your people to be able to take this away from and take the strife out of it because this a responsibility that comes with the rental property. City Attorney Wantland asked for a motion to deny this appeal. Clinton Kline made motion to deny appeal. Gloria Taft 2nd. Motion carried 5-0-1 absent. Mr. Greenwell: That's a predetermined outcome here but out of curiosity because I still don't feel like I'm responsible for the bill and all that sort of stuff. Where do we go from here? Mayor Ellis: You can set up payment arrangements either with Eco-Tech. Mr. Greenwell: I don't really care about paying any bills right now so that's why my next question is where do we go from here because I don't feel like it's my responsibility. City Attorney Wantland: You will be cited and you'll have to appear in the Bullitt District Court and go from there. Mr. Greenwell: Okay. Do you want to do that now or do we have to wait so long before that happens. We might as well get heading down that road I feel like. The sooner the better we can get it started. Dana Bischoff James: From a legal standpoint is there any recourse he can take? Who could he go to? City Attorney Wantland: His tenants. Dana Bischoff James: Other than the tenants can he go somewhere, like an attorney or anything of that nature? City Attorney Wantland: The County Attorney is going to ask you to pay it. Gloria Taft: Like I have to do with my tenants, I have to take my tenant to court saying they left this unpaid bill. There was not enough deposit taken and then I have to take them to small claims court to try to recoup my money. Mr. Greenwell: Say I don't pay it and you all send me a citation or whatever it is. If I don't pay the citation. That's what I'm saying. Mayor Ellis: Then you are going to court and the judge will force you to pay and you will pay \$155.60 for court cost plus legal fees and the judge will force you to pay because it's a violation of a City Ordinance. Mr. Greenwell: Just so I understand what's going on and I still don't pay so then what? Mayor Ellis: If you do not pay after the judge issues a court order it will be 30 days in jail for contempt of court. Gloria Taft: And then you'll be forced to pay as well after your 30 days in jail. Tim Myers asked Mr. Greenwell who Nicole Greenwell is. He stated in 2011 they talked with Nicole Greenwell and we offered to forgive the past debt if they would start paying from that point forward. We told her that the tenants weren't paying. We had a past due balance. The Ordinance says that the property owner is responsible if tenants don't pay. We said we won't try to collect the past if you'll start paying from now on because evidently your tenants aren't going to. Mr. Greenwell: Why would they? My God if you don't pay the word is out if they don't pay the landlord is going to pay. So why would you pay? Jose' Cubero: You have a recourse with your tenants. Mayor Ellis: You have the recourse that you add \$10 extra a month to their rent. Mr. Greenwell: How many of you all own rental property how much fun is that getting money back out of renters who don't want to pay something. You know what I'm saying. Tim Myers: My point is for less than \$10 a month you add it to the rent. Mr. Greenwell: Yeah but then I have to do all the paperwork as far as you guys send me a bill and I gotta have somebody out there making sure each one of these bills get paid and sent back to you so I gotta have a secretary to sit there and do all that stuff. Mayor Ellis: Alright sir. We've heard your appeal and thank you very much for your time. You can set up a payment plan with them or with us or we can cite you. City Attorney Wantland asked Mr. Greenwell if he wanted to set up some payment arrangement. Mr. Greenwell: No I'm just trying to grasp. My brother generally speaking handles it all; he was unable to be here so I got thrown into the lion's den so I'm somewhat unprepared here. Robert Lee: So it will be on record can we find out how many pieces of property he owns in Shepherdsville? Mr. Greenwell: It's not only how many pieces of property it would go back to how many, it sounds like you have separate individuals on Reichmuth. Code Enforcement Officer Mike Miller: Mr. Greenwell, for the record do you own the properties that we're talking about here tonight in our City. That's a yes or no question. Mr. Greenwell: Yes. I already told them the two we talked about. Officer Miller: I just wanted to make sure because I can talk to you about getting your information if you want to be cited then I can cite you if you don't want to set up a payment plan. City Attorney Wantland: Mr. Greenwell I have every intention to put the delinquencies on your water and sewer bill and we will deny your utility services to this property will be discontinued until he bill is paid. Mr. Greenwell: That don't affect me I don't live in those houses. City Attorney Wantland: Well you're not going to rent them either. Officer Miller: Mr. Greenwell would you like to set up a payment plan with our clerk? Mr. Greenwell: Not right now I'd like the opportunity to go to court and have an attorney present. I'm outgunned here so I'd like to have an attorney.

William Mason, 346 Cherry Street.

Mayor Ellis: Do you know the reason why we're here tonight; because of delinquent trash bills? If you would care to tell us at this time it is \$567.65 plus an additional \$25 administrative fee; you're asking for a hearing, what are your grounds for the hearing? Mr. Mason: They have never picked up my garbage; I've always taken it to work. City Attorney Wantland: Unfortunately that's not permitted under the Ordinance. Mr. Mason: That's all I go to say. I've just taken it to work. I've never paid them; they've never picked it up. I've always taken it to work ever since Rumpke had it before. Mayor Ellis: Unfortunately with it being a City Ordinance, the City Ordinance says that you have to have trash pickup in the City of Shepherdsville and you will be charged for it regardless if you take it anywhere or not. Mr. Mason: I kinda figured that. Can't win for losing. City Attorney Wantland: Do you want to try to set up some kind of payment program? Mayor Ellis: We'll work up a payment plan if you want too. Mr. Mason: I will do that because I won't have the money. Step over and talk with our clerk and she will be happy to work with you.

City Attorney Wantland asked Chief Puckett to page Daniel Tinnell three more times in a loud voice. Chief Puckett stated he did and even went outside to see if he was out there. City Attorney Wantland then asked the Council to move to deny Mr. Tinnell's appeal. Jose' Cubero made motion that we deny his appeal. Bernie Brown 2nd. Motion carried 5-0-1 absent.

Chief Puckett again called for Mr. Huff; he was not here either. City Attorney Wantland called for a motion to deny Mr. Huff's appeal. Gloria Taft made motion to deny appeal. Clinton Kline 2nd. Motion carried 5-0-1 absent.

Chief Puckett stated Martin Malbone was not present either. City Attorney Wantland asked him to – in a loud, clear voice call for him one more time.

City Attorney Wantland: We, collectively, the Mayor and I, Miss Tammy, we have worked and we're really pushing with the water company to put that on the bills. There has been some flux. Sometimes you can disconnect essential services to property for non-payment of a bill and we're talking about water, sewer, electric, garbage and what people do they want to pay for one service and the non-essential service would be trash. Right now there is a consensus that the Legislature has addressed that and if you don't pay the entire bill you can disconnect all the services on the bill. And unless that changes I have every intention to ask the Council to implement a policy when we get down this road a little bit; you don't pay your bill, and we're going to have the trash on the water bill; when they pay it they pay it all, that we're going to disconnect the water, sewer, and garbage pickup. And believe it or not that's what most communities are trying to do. Mayor Ellis: That's what Mt. Washington does. Gloria Taft: That's how they do it in my hometown. City Attorney Wantland: It's a harsh penalty but you need to think about how you want to implement some type of policy. But at some point you can't give away services. Dana Bischoff James: I think it would be easier if they were all in one bill too. Gloria Taft: We don't want to end up paying Louisville Water to collect our bills because then they are making more money off of us. City Attorney Wantland: We'll help them collect their bills and I'll ask you to put a \$0.50 or \$1.00 fee on the billing cycle. Gloria Taft: But then you're penalizing people like us that pay our bill on time. Jose' Cubero: If we don't do what we're doing this is still going to be incurred cost by the citizens here. Gloria Taft: I don't want to pay the extra \$0.50 because some people don't pay their bills. City Attorney Wantland: I want the \$0.50 to cover the cost of having a clerk to help process the monies to be sure we allocate the money to the sewer properly, allocate it to the garbage properly, it's a fee to do that. Jose' Cubero: We have some people that just totally disregard paying their bills and that's what we are going to continue to see. City Attorney Wantland: It's just something for you all to think of. It's down the road but it's coming quicker. Gloria Taft: I think once word gets out that we're starting to collect it will get better.

Mayor Ellis: Chief if Martin Malbone here? Chief Puckett: No he's not. Mayor Ellis: Can I a motion to deny his appeal. Jose' Cubero made motion to deny. Clinton Kline 2nd. Motion carried 5-0-1 absent.

Robert Lee: Only to try to help and that's, we have about 15 or 20 different municipalities ranging from 500 to a few thousand customers and when the City municipality pays the bill every one of those has ad

administrative fee that is over the cost of what we charge the City. Every one. It is a common practice. City Attorney Wantland: For the Council, Lebanon Junction owns the water utility and in Lebanon Junction if the tenant does not pay the water bill, the landlord is responsible to pay that bill before they can relet the premises. Landlords get upset with it but... I don't do work for Lebanon Junction and I think sometimes it can be really harsh if you have a tenant to maliciously run up the water bill but they can't relet that until that bill is paid.

Charles Balke, 316 Cherry Street and Counsel Richard Vitali.

Mr. Vitali, Counsel for Mr. Charles Balke: We'd like to respectfully petition this Council pursuant to City Ordinance 004-615, Section Two provides for an exemption to the mandatory trash collection policy and procedure that's in place respectfully we understand the health and safety concerns of the community. Mr. Balke is in complete compliance. He is the owner of ACRI Inc. a sole function and purpose of ACRI is trash and recycling. Mr. Balke has the Articles of Incorporation with him this evening as proof of his business. Mayor Ellis asked where ACRI is located at. Mr. Balke: The office is at 316 Cherry Street. Mayor Ellis: That brings me to my next point but go ahead. Mr. Vitali: Mr. Balke has never received a trash container from the franchisee, Eco-Tech. He has never placed trash in front of his residence for pickup nor has the trash collection company, Eco-Tech picked up any trash from Mr. Balke's residence. The exemption that we're interested in tonight that we respectfully present to this Council is that there is no trash or refuse being generated from Mr. Balke's property. City Attorney Wantland: Is it vacant? Mr. Vitali: No sir it is occupied and the trash that is being generated is being disposed of by Mr. Balke through his commercial company. City Attorney Wantland: Operating business in Shepherdsville? Mr. Vitali: Counties throughout the Commonwealth of Kentucky. There are several counties that he is engaged in. Mayor Ellis: Do you realize that you have never obtained a business license within our incorporated City limits of the City of Shepherdsville? Mr. Balke: Do you realize I got a license in the State of Kentucky? Mayor Ellis: You have to have a City of Shepherdsville business license sir which is \$100 a year, now it's \$120 from the time your doors opened. Mr. Vitali: We will be glad to comply with the Council and City Your Honor. Mr. Balke: Nobody ever said anything about that. Mayor Ellis: Sir that's been an Ordinance since the 1970s. Mr. Balke: I can't know all the Ordinances. Mr. Vitali: We will remedy that immediately. Mr. Balke respectfully there's no enforceable contract here. We have no offer. No acceptance. No consideration with Eco-Tech. We have no tax assessment from the City for the property for trash collection. Respectfully we're interested in this exemption that is offered that there's no trash or refuse being generated. Mr. Balke is in the commercial business of trash and recycling. Mayor Ellis: The only thing that would get on that sir is per the Ordinance this is an Ordinance for a franchise in the City of Shepherdsville and he is operating an illegal franchise within the incorporated City limits of the City of Shepherdsville. He's picking up his own trash. Am I correct in saying that Counsel? City Attorney Wantland: Yes. Dana Bischoff James: Is there a trash pickup at your business venue in Shepherdsville, like a dumpster? Mayor Ellis: Himself. It's his house. Mr. Vitali: He does not have commercial property in addition to his residential property. He has residential property exclusively. So he owns and operates ACRI Inc. out of his residence. That's the principle location. Mayor Ellis: Is that even zoned to run a business out of? That's a residential community sir, you can't even run a business out of there, it's not zoned. Jose' Cubero: There no business in a residential area. City Attorney Wantland: At the end of the day you're looking at about \$120 a year for your garbage pickup. You pay \$120 a year for your City license and \$100 since, how long you been doing this business? Mr. Balke: For many many years. City Attorney Wantland: You owe the City at least another \$400 for past business licenses plus penalty and interest. Jose' Cubero: And for a business you have to submit a permit to have the business and you would have brought that to the Council. Mr. Balke: Nobody ever said anything about something like that. I went to the State of Kentucky and got my business license and I'm capable of operating all over the whole State of Kentucky through the State and nobody ever said anything about that up in Frankfort. Mayor Ellis: So these other cities that you work in, do you have business license in those cities sir? Mr. Balke: No. Mayor Ellis: You have to. If you operate in the City of Audubon Park you sir have to have a business license for Audubon Park. If you're in Hillview, you have to pay for a business license for the City of Hillview. You have to pay one for the City of Shepherdsville as well. City Attorney Wantland: You pay one or the other. Do you have a preference? Do you understand I'm getting ready to ask the Council to deny the appeal? Mr. Balke: I didn't understand the question. City Attorney Wantland: You're going to pay one way or the other. Wouldn't you rather just pay the garbage bill? Mr. Balke: No. City Attorney Wantland: I need a motion from the

Council to deny the appeal. Jose' Cubero made motion to deny. Mr. Balke: They never ever picked my garbage up. And every time that I've tried to talk to those people and be reasonable with those people you know what I get on the telephone; hang the phone up and they are so mad and all I ask is to take to management. They won't let me do it. They think they are better than people that is trying to be reasonable. That aint my fault. Mr. Vitali: May I interject something real quick? I'll keep it brief. If the Council does not find Mr. Balke eligible for that exemption that's provided for in Section Two of 004-615 respectfully we would petition this Council to consider that this Ordinance has omitted to provide an exemption that should be provided to people like Mr. Balke who are in the commercial trash an recycling business to discard their own trash because it is consistent with the intent of the Ordinance. He is not adding any big huge industrial trucks to the traffic in your community which was one of the concerns. Mayor Ellis: Well if that's the case I'm going to open up tomorrow and say that I own an industrial thing and I'm going to take my trash, put it in the back of my Chevy Colorado Pickup Truck and drive it to the local dumpster somewhere and throw it in there. And you'll have everybody in the City doing that. I'm just saying you'll have everybody declaring themselves that. Mr. Vitali: And I understand that concern but he's never been cited for illegal dumping. Mr. Balke has always discarded the trash legally through his commercial business. Mayor Ellis: But he's running a commercial business. Clinton Kline: What specifically is your business? Mr. Balke: It's recycling and trash. Dana Bischoff James: Do you have any type of documentation from where you take it to be recycled? Do you have papers showing this is what you do? Mr. Balke: Did you all read my complaint? Then it says so in that complaint in black and white where I take it to. Mayor Ellis: But the think you keep coming back to sir is it is a franchise agreement and your operating a business within a franchise that does the same thing. Mr. Balke: Here's some of the pictures right here after I have recycled and got the garbage broken down into every kind of material that it's supposed to go to and goes to the proper mills whatever it might be. Then I bale it up. I own two balers. Dana Bischoff James: May I see the photos sir? Mr. Balke: Yes. Jose' Cubero: Mr. Balke you are going to find out as you proceed with this that you are going to deal with the fact that you are running a business out of a residential area. That's going to be the first thing. The second thing is obviously you do not have a license within the ordinance which has been established for a long time. You can deny ignorance or didn't know the facts, that will not with the law, and we are here to try to help folks remedy their situation with the trash Ordinance that we have. Now that decision is going to be based on you part but I'm going to tell you that both those situations that I just mentioned about running a business out of a residential and not having a business license are going to be two other areas you are going to be concerned with let along with the fact that you're going to have to deal with the trash bill. Dana Bischoff James: I'm personally partial to anybody who recycles and so without having the refuse however I understand that the Ordinance is also something that is set in place as far as something we have to uphold and abide and so at this time I would ask Eco-Tech is there any comments that you all would have pertaining to this particular case. Robert Lee: Yes. There was a tote delivered as it was to every household when we first started in October 2008. It was put in front of the curb at everybody's house. We've contacted Mr. Balke quite a few times and I think we even asked if we could get the County license that you have to have as far as being a solid waste provider which also includes recycling, and it wasn't given to us. We have called the Solid Waste Coordinator and asked if he was familiar with the Company and he did not know about the company so we also recycle, we recycle more than a million pounds a year. We truly appreciate that. I think if we just had cooperation we probably could have worked this out as far as the trash. Mr. Balke: The people kept hanging up on me. Robert Lee: Sir, this is probably the lady that you were talking to. Heather Pettell: Sir I spoke with you once and I asked you for proof and a copy and you said the burden of proof was on me. Mr. Balke: Ma'am I don't know who you are and I never said that. Heather Pettell: You called me one day about the bill and told you told me that our can was sitting in the middle of Cherry Street because I called the Solid Waste Director to check to see if you did in fact have a license; that's when I spoke with him and he said you did not have a license to haul trash off that site. Mr. Balke: I've got a license. I can prove that by the State of Kentucky. Mr. Vitali: Would the Council consider granting the exemption to the mandatory trash collection at the residence provided that Mr. Balke produces the remedy of the license issue that has been raised here tonight? Dana Bischoff James: I feel like that would have to be something that Eco-Tech would have to agree to. Mr. Vitali: Would Eco have any objection to Mr. Balke being exempted from the Ordinance at 316 Cherry? Robert Lee: We show that since 2008 the bill would be \$661.90 and I appreciate the fact that he's a recycler and that he might have done some stuff at his own household but I'm not for sure that's the case every time we've been past his house. Mr. Vitali: Would you

agree that Eco-Tech has not picked up any trash at this residence because Mr. Balke has assured me that he has not been engaging in trash collection services with your company. Would you agree that perhaps some of those fees could be waived due to the fact that the service was not actually provided and these fees are being billed on a statement due to the mandatory structure of the Ordinance? Would you agree to a waiver perhaps? Heather Pettell: We have no way of verifying if trash has been picked up or not. We go through and we pick up everything that's out. Mr. Vitali asked Mr. Balke if he had placed any trash out for pickup in front of his residence. Mr. Balke answered no never. City Attorney Wantland: You've never paid a business license either. Mr. Vitali: We agree to remedy that. Mayor Ellis: There is \$2520 owed to the City of Shepherdsville. According to his letter he opened his business in 1992, that's 21 years. Clinton Kline: Every time he hauls trash off from his house that a \$250 fine. As a commercial entity you're operating as a waste hauler. Mr. Vitali: It's just an administrative office for principle location for service of process. Mayor Ellis: Mr. Balke how many businesses do you own out of this residence sir? Mr. Balke: I own ACRI. Mr. Vitali: The principle address is for service of process. He does not store any trash or recyclables there. Mayor Ellis: That doesn't make any difference it's still a physical address in the City of Shepherdsville. And according to his letter and this is in his handwriting in black and white he has dates of the first company being started in 1977, a second company started in 1985 and the third company being started in 1992 which is ACRI. Mr. Balke: How long have I lived in this City? City Attorney Wantland: Mr. Vitali I would ask the Council to waive the past license fees beginning this year he pays his license fee for 2012-2013 if he immediately pays all due and owing garbage collection pick up. He's getting a break. He's coming out way ahead. Mr. Vitali: May I ask if you would consider, we graciously thank you for the offer but would Mr. Balke get some concession from Eco-Tech because he has not used the service. City Attorney Wantland: He does not get a concession from Eco-Tech he gets it from the Council and I recommend to the Council not to have an exemption to that Ordinance based on the consideration we have here today. We have a commercial and residential use of a piece of property. The residence is garbage truck passes by the residence. It's a fee. It's a collection. It's all in the cost. I'd ask the Council to reject the appeal. Now do you like the offer or you don't? Mr. Vitali: May I have one minute with my client and we promptly come back to you quickly. Mayor Ellis: Absolutely. You can use the Chamber here with the door closed. Mr. Vitali: We're in agreement with the waiver of the past fees for obvious reasons for the licensing fees and we also, on behalf of Mr. Balke he has indicated to me that he will fulfill his responsibility and commitment to, from this date forward to keep his license fees current for his business. Now with one caveat here that it appears that a few minutes ago that Eco-Tech expressed a willingness to work something out. Would Mr. Wantland be receptive perhaps to a mutual compromise here where all three of us engage in; he pays his license fees and Eco-Tech participates in a compromise? City Attorney Wantland: I'm asking the Council to waive a couple thousand dollars in license fees but your client; if he wants to claim this exemption he needs to pay \$100 for each year he claims the exemption up to 2012-2013 which is \$120. I'm asking the Council to waive that. Clinton Kline made motion that he pays his garbage bill, waive all past license fees except the current 2012-2013 and comply with the refuse collection law. Mr. Vitali: Will he be exempt in the future? Mayor Ellis: Here's where we're at. When you stepped up to the podium sir you referenced the 2004 Ordinance on the exemption, you were given the current Ordinance when you came in the door. The current Ordinance does not have an exemption sir. Mr. Vitali: Was the current Ordinance assignment of the contract to the franchisor? Mayor Ellis: 2012. Mr. Vitali: Yes but that was assigned the franchise contract to Eco-Tech correct? Jose' Cubero: I want to interject that you're asking; we have a new Ordinance in place that has no exemption to it but you're asking for a request for an exemption with not proper license and doing it in a residential area. You're not even in the legal realm of coming to us for asking for an exemption when you have two issues, Mayor Ellis: What we are saying, and the motion is, as of right now if we just go to 1992 we're not even saying we're going back to 1977 sir, or 1985, we have a Councilman that is making the offer of we will waive the \$2520 that is owed to the residents of the City of Shepherdsville for previous business licenses. You pay the current year, 2012-2013 and then turn around in July and you will pay the \$100 renewal then, and at that point in time us waiving this then you must pay Eco-Tech the \$618.40 that is owed to them now and continue to pay your trash collection because there is no exemption. Jose' Cubero: Mr. Mayor that is actually his motion and I'd like to 2nd that motion. Mayor Ellis: Do I have a vote in favor of this motion from this Council? Vote was 5-0-1 absent. That is the offer on the table. If we do not take that offer it will be \$2500 owed to the City of Shepherdsville plus the \$618.40 owed to Eco-Tech plus a \$25 fee to the City for administrative costs. Mr. Vitali: Okay may we clarify the motion that has been voted on in terms of the amount of compensation that

is due. Could you repeat what you just said please? City Attorney Wantland: \$120 to the City of Shepherdsville for the current year business license; pay the garbage bill in the amount of \$618.40 plus a \$25 administrative fee applied by the City of Shepherdsville. Mr. Vitali: And it's the desire of this Council not to allow any compromise with Eco-Tech's fee. City Attorney Wantland: We already compromised. Mayor Ellis: That is our compromise. We cannot force them to compromise. But me as the Mayor and this Council we can work together to make a compromise for the Council. You being a businessman, I'm a businessman, these folks are businessmen. If you go around cutting breaks to people you're not going to have fuel to put in that truck that you drive. Correct? Mr. Balke: Pretty slim anyway. Dana Bischoff James: If we do this for one then we're going to have a whole slew of other residents who are saying that they do this and we understand this is something that you do but we have to be consistent and uphold the Ordinance for the City as a whole. Unfortunately it won't always work out the best for everyone. Mr. Vitali: So we have \$120 for the license fee, \$618 for past due trash and \$25 administrative fee and that would make his current. Is that correct? City Attorney Wantland: Yes. Jose' Cubero: Yes and that comes up July 1. Mayor Ellis: You definitely need to come in tomorrow, at your soonest convenience, and fill out a business license for the City of Shepherdsville. There is an application for that. Mr. Vitali: Will this Council allow 30 days to take care of the business? City Attorney Wantland: Yes.

Mayor Ellis: No one else on the Agenda, I'm going to get with Eco-Tech and let them know about the last two names that are on here, Terry Simms and Shirley Shepherd. I spoke with both of those folks today. I'll fill you in on where they are.

Jose' Cubero made motion to adjourn. Clinton Kline 2nd.

Meeting adjourned at 7:45 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk