

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, February 25, 2013**

Councilwoman Gloria Taft gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:31 p.m.

Council members present: Bernie Brown, Jose' Cubero, Dana Bischoff James, Faith Portman, Clinton Kline and Gloria Taft.

Mayor Ellis called for a motion to dispense with the reading of the minutes from the 2/11/2013 regular meeting. Jose' Cubero made motion to dispense with reading. Faith Portman 2nd. Motion carried 6-0.

Mayor Ellis called for a motion to dispense with the reading of the minutes from the 2/13/2013 special meeting. Jose' Cubero made motion. Dana Bischoff James 2nd. Motion carried 6-0.

Mayor Ellis called for a motion to approve minutes as written from the 2/11/2013 regular meeting. Gloria Taft made motion to approve. Jose' Cubero 2nd. Motion carried 6-0.

Mayor Ellis called for a motion to approve minutes as written from the 2/13/2013 special meeting. Dana Bischoff James made motion to approve. Clinton Kline 2nd. Motion carried 6-0.

Mayor Ellis recognized Magistrates Ruthie Ashbaugh and John Bradshaw and Rudy Hawkins, MS4 Coordinator for the County here tonight and thanked them for coming.

Old Business:

City Attorney Wantland had second reading of Ordinance 013-(number to be assigned) amending Ordinance 002-559 establishing fees to be charged by the Shepherdsville Fire Department for auto accident rescues, hazardous materials clean up, mitigations, vehicle fires or any other incidents which require clean up by the City of Shepherdsville, Kentucky, and penalties for failure to timely pay such fees. Mayor Ellis opened the floor for any discussion by the Council. Bernie Brown: The 559 Ordinance has the form attached as an Exhibit, this one does not. Has a form been prepared yet and is it going to be changed periodically. Chief Troutman: We have a billing method that we use already with this. It is already set up in the computer where we can just go in and plug in how many people were there, what trucks responded, how many hours we were there, and it calculates everything. Bernie Brown: I was just curious because the current one which may become the old one has that form attached as an exhibit. Mr. Wantland, there's no problem with the fees that are collected going directly into the mitigation fund? City Attorney Wantland: It can go in the mitigation fund but it can't be spent without approval of the Council. They said when they set up that account that they would make a report. Bernie Brown: That would be the same as going into the General Fund then. City Attorney Wantland: The Council is going to approve any expenditure. Bernie Brown: One other question too, do you use any mitigation funding to buy the materials that are used? Chief Troutman: Yes. We use it for that. When we bought the fire truck last year we used the mitigation account to buy all the hose, all the equipment, the hand tools, everything that was bought for that fire truck was bought out of the mitigation account by people that were involved in accidents and things here in the City that don't pay taxes. Mayor Ellis asked for a motion to accept or deny. Jose' Cubero made motion to accept. Dana Bischoff James 2nd. Motion carried 6-0.

New Business:

City Attorney Wantland read Resolution 2013-05 opening a checking account at Park Community Federal Credit Union for the *Shepherdsville Santa* program. Mayor Ellis stated that account would be opened with money that was received from this Credit Union doing a collection for us that was turned in to us after we were finished with the *Shepherdsville Santa* program. I believe it was \$250; so that is already a start towards next year. We served 125 families last year in our City and that was a great start for the first year.

I'm looking forward to this year being bigger. Bernie Brown: All of the money coming in there is donations, right? Mayor Ellis: Every bit of it was donations. Yes. Gloria Taft: They won't charge us a Service Fee will they? Mayor Ellis: No. Dana Bischoff James made motion to open account. Clinton Kline 2nd. Motion carried 6-0.

Discussion on Renewal of the Lease Agreement with the Administrative Office of the Courts for 200 Frank E. Simon Avenue followed. Mayor Ellis stated this is the old Police building. The lease is for one year and they do not want any different terms or improvements. Faith Portman made motion to accept. Jose' Cubero 2nd. Motion carried 6-0.

Daryl Lee: Nothing to report.

Duane Price: We had a variance request on a future business coming in which is all we can talk about on that for right now. What I want to talk to you all about is every time we have a new business come in Shepherdsville we have to have a hearing over a variance for parking area sizes. The sizes were written back in the 60s when all the vehicles were extra large and for every business that comes into town it's an extra cost for them to come down to pay for that to have us pretty much approve it every time. To change it we would have to have a Text Amendment and I wanted to make sure that was alright with all of you all. In other words it goes to Daryl and them; that's how it has to be done. In other words, just smaller parking areas for more customers to park. Mayor Ellis: On this one they asked to give them, right now it's 20' x 10' and they as for 18' x 9'. You're not really changing too much from what it is standard. Duane Price: Believe me the business would open a lot quicker if they got some of that red tape out of the way. Everyone agreed that was a good idea.

Sign in Speakers:

Bill Duffy: I live at 140 Gaither Farm Road in Heritage Hill. I'm here tonight just to make a suggestion. This could be my fault. The suggestion is I went on the internet today to look up contact information for the City Council and immediately it pops up and it says "Warning this page may harm your computer." So I got off. If I was a business person trying to find out something about our City I don't think I'd come here. Mayor Ellis: That was supposed to be corrected and as you say that I chuckle because it was supposed to be done. We will get with Louisville Geek who is redoing the website for us.

Department Reports:

Chief Troutman: I sent an email to the Council; out of our mitigation account anytime I make a purchase out of it I have to bring it to the Council for approval. What I'm going to ask is we have the Swift Water Rescue Team here in Bullitt County. We're the only swift water team here in the County. We respond anywhere. We've been to downtown Louisville, we've been as far as Lebanon Junction, Boston; placed all over to assist people. As the years go on our equipment starts wearing and tearing and needs to be replaced. We also have new members that come on the team that either are a little bit larger than some of the suits that we have or a little smaller than some of the suits we have so we have to keep them in the proper gear. What I'm asking is if I can take \$6239.50 plus shipping to get the swift water equipment. That's 6 sets of swift water equipment. The complete outfit, the suit, boots, gloves, life vest, helmet, knife, strobe light that goes on them, plus the zip up jumpsuit you have to be in that's waterproof. I'm asking if you will allow me to use the mitigation account to make that purchase. Faith Portman: How much money do you have in that account right now? Chief Troutman: Right around \$14,000. City Attorney Wantland: What do you anticipate the training is going to run? Chief Troutman: We have about 15 members that are trained and as we go on; it just depends on where the classes are at. Usually it's about \$100 a person. City Attorney Wantland: So you would really like to ask for about \$8000 as opposed to \$6000 for the suits and the training? Chief Troutman: The training is not up yet. It will be later on this year before we can get into training. Bernie Brown: Do you budget for replacing old equipment? Chief Troutman: I try to but as you know the last two fiscal budget years my budget had to stay the same in that category. So we've really not been able to budget for things like that. And again I'm asking this out of the Mitigation Account. Gloria Taft: What will you do with the old equipment? Chief Troutman: We'll still use what we can. We'll try to repair some of the stuff that has rips in it. Some stuff will have to be discarded. This is replacing some of it plus

adding to it because as we continue on we're getting more and more team members that are trained and the more that we have the better off we are in being able to affect the rescue as we're responding. Faith Portman: I personally want to see you all safe under any circumstance so I'll make a motion that we allow you to buy this. Bernie Brown 2nd. Motion carried 6-0. Chief Troutman: The other thing is, over a year ago when I came and asked to buy the fire apparatus and we sold the rescue truck on January 29th. We got \$35,000 for it and that went back into the General Fund. At this time, that money hasn't been allocated for anything and we are in dire need of turn out gear for the firefighters. When I say turn out gear, it's the pants, coat, and helmet for firefighters to go out here and fight fires. We're to the point now that even when we have volunteers come in to be firefighters we're not having the proper gear to fit them. I've had to borrow stuff from Mt. Washington Fire Department, I've borrowed some stuff from Zoneton Fire Department just to get buy until we can get some more gear in here to fit people. As anyone knows going into a structure fire, it's very dangerous and if your gear doesn't fit and if it's not safe and up to standards it can be very deadly for you. I'm going to ask that tonight if you all could do that for me. Faith Portman: How much is that? Chief Troutman: 25 helmets--\$5625.00; the gear itself is \$25,000 for 15 sets. City Attorney Wantland: What's the useful life? Chief Troutman: Ten years is the life on it. Once you hit the 10 year mark, if it's still in decent shape and they can use it they can use it but the first time it gets a rip in it or has to go back in for repair they won't repair it, they'll just toss it. Dana Bischoff James: Are they able to be repaired? Chief Troutman: If it's a small hole we'll send it back and they will put patches on it and take care of it that way. The stuff that we have most of it is very worn. It's been a while since we've purchased a large amount of gear. We purchased 12 sets last year that got some of my paid staff and some of my volunteers but other than that we're still way way behind on gear. Jose' Cubero: Per our conversation I would really like, and I think it would help everybody out here and help the Council, looking at some of the expenditures and that you're way below on some of those numbers, if we had something in front of us that showed your year to date on your budgets I think that would help everybody to understand that there is money allocated for that. Maybe it's because of the way it was projected. Maybe because we are doing well on certain areas, you do have money there. Maybe not specifically in that category but if you bring us a year to date showing where your budget numbers are that will help us decide and make a better decision because we want to make sure that you have what you need but it's easier for us and it's easier for the citizens out here to see that there's money in that budget for you to do that. So in that way again when we come to the end of our fiscal year we amend the budget only to show the lines that they properly match up on the budget numbers we projected. Bur for us that's all we really need. We're all supporting you. We know you've done a good job with things Chief but I just need to see that. I think that will help me. Bernie Brown: The total is \$30,625 and that is coming of your budget? Chief Troutman: No. What I'm asking for is the \$35,000 that was put back in the General Fund from the fire truck we sold if I could take that much of it and put it in our budget to purchase this gear. Dana Bischoff James: What was the original Agreement? Chief Troutman: When we bought the fire truck I told the Council once we use the money for that we would start trying to sell the rescue truck and that money went back into the General Fund. I know as of right now it hasn't been allocated for anything in General Fund and that's why I was asking if we could get it and use it for equipment for the firefighters. Gloria Taft: I'm with Jose'. I'd like to see the numbers to budgets; where you're at with your budget, when that money came in. Faith Portman: We haven't spent that money on anything, correct? Jose' Cubero: No but for budget purposes I think it would just help everybody understand. I think it's important you get what you need but to let everybody know that you are spending it wisely and it does fit into the budget we have projected. Chief Troutman: I will get you numbers and we can discuss at next meeting.

Chuck Keith: Shawnee Acres; you should have paperwork on that. People are calling with concerns about the rainy season coming on. When we first started looking into this the engineering group said it would be a little over \$100,000; we budgeted \$80,000 and this quote is coming in at \$50,000 that they feel sure that they will come in under that price. The Mayor wanted us to get a quote to see what it could cost and there it is. What do you all want to do? Jose' Cubero: This is a troubled area. Mayor Ellis: With it going into the rainy season, of course we didn't have the money for it prior to, we do have it now. This is an emergency. We paid to repair two basements already from this situation and it definitely needs to be done now that we see what we're looking at. Jose' Cubero: What's the time to complete this project? Chuck Keith: If we tell them tomorrow it will take the 1 to 1-1/2 weeks to get their stuff. He said they could be started in three weeks. Mayor Ellis: They said in five weeks total this project would be complete. Bernie Brown: The engineering

work is already done. Mayor Ellis: The engineering work has already been done. Rob has already been out there to do it. Bernie Brown: They have that information? Chuck Keith: They have everything they are supposed to have. Faith Portman: Is this the Phase One part of it or is this all the project? Chuck Keith: We're hoping this will take care of all of it. Jose' Cubero: You have budgeted \$80,000? Chuck Keith: Yes sir. Gloria Taft: Just for Phase One, \$80,000 was budgeted. Mayor Ellis: Yes. Dana Bischoff James: My only concern is that there has only been one bid. Chuck Keith: Yes ma'am. I was asked to get one quickly for tonight which is the reason I'm asking you all what you want to do. Mayor Ellis: With this being an emergency situation that we've already had to pay to replace basements; the Council had voted in something that if there was an emergency issue that we could go with the one bid to do it. If you remember we did that last year. Clinton Kline: Is this our emergency contact? Mayor Ellis: Yes this is our emergency contact. I'm afraid if we don't get on this now, come May or June we're going to be paying out more money in repair. Bernie Brown: Chuck is there any utilities that are going to have to be moved? Chuck Keith: Nothing is going to have to be moved but there are utilities. We should be under everything easily. Dana Bischoff James: I understand that we are in the bad season but again, and I keep going back to, this is our only bid. Chuck Keith: I can give you an example on this company. The Sonic incident, they gave us a bid of \$50,000, when they sent us the bill it was \$27,000. Mayor Ellis: I'm just afraid come May we're going to be caught with our pants down and we're going to flood a basement again. One of the basements was \$4600 and the other was \$4800. Agreeing an emergency situation does exist, Faith Portman made motion to go ahead with repairs. Jose' Cubero 2nd. City Attorney Wantland: Councilmen the City filled in this retention basin. Literally the City caused the problem. We have yet to have found who, what, when but it was done in a prior Mayoral situation. Someone, somebody filled in the retention basin and literally clogged the drainage ditches in Shawnee Acres. We literally flooded basements. The water was in people's homes and there is no question that the City is the one responsible. Even now we still do not know the responsible party. Dana Bischoff James: How bad would it be if we went to the next meeting to make a final decision to see if we get any other bids? Mayor Ellis: You're already six weeks away right now. You're going to be eight to ten weeks if we bid. Chuck Keith: If we don't have any major rains, I don't know, I can't really answer that. Bernie Brown: We've gone a long time now and we've neglected that. I'll agree but it's hard to justify in a way that this is an emergency right now. Dana Bischoff James: I would feel personally better. I do like the fact that they are in Shepherdsville but I would personally feel better waiting on this. Chuck Keith: You want to put it out for bid? Dana Bischoff James: Yes. Chuck Keith: You can plan on an additional five to six weeks by the time you run an ad, work their bids, get bids opened and awarded. Dana Bischoff James: Even if we contact different companies. Mayor Ellis: It has to be advertised in the newspaper if you open it up for bids. Bernie Brown: We've had plenty of time to get bids. Faith Portman: They are on our emergency contact list and they have done a lot of work for the City. Mayor Ellis asked for a vote: 4 in favor; 2 opposed (Bernie Brown and Dana Bischoff James).

Council Reports:

Dana Bischoff James: Just thankful to see the young ones here learning government. I'm very glad to see them part of this. And thank you for the leaders in the City again for setting an example.

Jose' Cubero: I want to propose something this evening and I want us really to discuss and obviously I'll take the proper procedures, but I've spent some time looking over the City's tax revenues and how they are generated through the taxes we impose by our local government. I've got to tell you I truly feel that the property tax is an unfair tax. I believe it's not a true reflection of a citizen's ability to pay that tax. So what I'd like to do, for everybody to consider, is I'd like to make our occupational 1.5% tax rate permanent and make a proposal to decrease our property tax rate. I'd like to make a proposal to drop that property tax 20%. That's 20% decrease in our property tax rate. I feel like when you look at that that is a balanced approach at the revenues we bring in the City. Everybody is obviously responsible for the services we have in this City. I think this is a great way to take a look at all the things that we've talked about up here. I think it's a great approach that we put out this proposal. I'll get with the Mayor and City Attorney to put an Ordinance together for our next meeting. We'll debate it, we'll discuss it. After our second reading if we vote it in I want it effective August 2013 before our next property tax bill. I think the best thing we can say is that we spent the first two meetings, some people disliked what we did as far as supporting the folks that take care of the City, we stand strongly by that, but we also stand strongly when we make a decision the way that we've

done our financial system here, the way we budgeted, stayed on course, good stewards of the money, and when there is an opportunity to look at the tax rates; there's never talk about decreasing tax rates here in the City, but we have an opportunity now. Maybe one of few but we have an opportunity to take a look at our property tax rate and drop it 20%. That offsets if you think about that when you think about what you're monthly bill is going to be. I know people still think about the sewer rate and obviously that's a sensitive topic for folks, but these are two different conversations. But I think we at least have an opportunity to at least look at it. I think because we've done a good job in this City I think it's a time for us to look at that. So all I want to do is I want to make sure that we put this out there, we'll get the Ordinance set up in place, and then we'll discuss it. But I think if we have an opportunity to decrease something I think we ought to take a good long look if we can do it because they way we're collecting revenues and the growth of the City, I think we can do something really good and it goes back to showing taking that burden off the taxpayer. How many times does that happen? Just thought I'd bring that up today.

Mayor Ellis: We do have Executive Session; one matter of pending litigation so at this time I'll ask for a motion to adjourn to Executive Session. Clinton Kline made motion to go into Executive Session. Jose' Cubero 2nd. Motion carried 6-0.

Clinton Kline made motion to return to Regular Session. Gloria Taft 2nd. Motion carried 6-0. City Attorney Wantland: May it please the audience and members of the Council, the City of Shepherdsville has met with the County Fiscal Court concerning litigation involving the occupational tax paid by the County employees to the City. The first we want to address is that the steps have been taken to correct the errors that have been made in the past and the County is properly reporting the income and subsequent tax to the City of Shepherdsville. Litigation has been contiguous at times; primarily because of who pays and who did not pay. The County is in an awkward position in that some people did pay and some people did not. It would be very cumbersome, burdensome upon the City to literally audit each and every employee. The Counsel for the County Treasurer performed an audit as it's referred of the amounts of money that were not properly paid to the City by the employees. There may be errors in the audit but nonetheless it does show a representation and is an admission by the Counsel for the County Treasurer of her failure to properly collect taxes. The sum reported is the sum of \$56,001. I would recommend to this Council to accept that number as what is owed by the County to the City and put this litigation at an end. Bernie Brown made motion. Faith Portman 2nd Motion carried 6-0.

Clinton Kline made motion to adjourn. Gloria Taft 2nd. Motion carried 6-0. Meeting adjourned at 7:13 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk