

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, MARCH 11, 2013**

Pastor Randy Pace, Family Worship Center gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:32 p.m.

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

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 2/25/2013 regular meeting. Jose' Cubero made motion to dispense with reading. Faith Portman 2nd. Motion carried 5-0-1 absent.

Mayor Ellis called for a motion to approve minutes as written from the 2/25/2013 regular meeting. Faith Portman made motion to approve. Jose' Cubero 2nd. Motion carried 5-0-1 absent.

Mayor Ellis announced the garbage appeal hearings will be Wednesday night, March 13th at City Hall; the new website is scheduled to be launched tomorrow morning; and City Hall will be closed on Good Friday, March 29th.

Old Business: None

New Business:

City Attorney Wantland read Ordinance 013-(number to be assigned) making the City's Occupational Withholding rate of 1.5% permanent. Mayor Ellis stated the second reading of this Ordinance will be on March 25th. Bernie Brown: What this does then it prevents the one-half percent from sunseting at the end of 2015. It maintains it at 1.5%. Mayor Ellis: Yes.

Discussion followed on the renewal of the lease between the City and YMCA for use of Frank E. Simon Park. Mayor Ellis asked June Daugherty with the YMCA if she had any comments. June Daugherty: I just have one question. I sent over some changes that I saw as far as typos but I didn't see the finished product. But my question is, in the original lease it was a five year lease renewable every five years and it's been changed on one year. I was just curious why? Mayor Ellis: The reason for that is if you ever have a new Mayor or Council they can make the decision when they come into office how they are going to handle that. It doesn't bind them. We're not legally supposed to bind another Council in a contract. June Daugherty: Are Council Members every two years? Mayor Ellis: Yes. June Daugherty: So should the lease read every two years? Mayor Ellis: This Council will vote on this one and it expires December 31st, they will vote on the 2014 one. If they are in here in 2015 they will vote on that one. If not, the new Council will vote on that one. That's how it will work from here on out because you legally cannot bind a Council to a contract. June Daugherty: We've been doing it since 1999. Mayor Ellis: Not supposed to. That's something I learned from sitting up here. June Daugherty: Four different have worked on this contract over the years. Were there any other changes other than that? City Attorney Wantland: Parking is an issue. June Daugherty: Where is it in the contract? City Attorney Wantland: The City is going to enforce some form of parking restraint on people. Mayor Ellis: It is in Section 3, #D. Permit the general public access to all facilities managed by the YMCA when not in use and undergoing maintenance parking on the right of ways is prohibited by lessor or lessee. Meaning down the side of Park Road where the horse farm is, when you have folks parked in the spots along the side and then on the other side also, you're not going to get a fire truck or ambulance down through there. We had that discussion several times last soccer season so we just put it in the contract for that. June Daugherty: But it's not any different that it was originally? Mayor Ellis: No. This just says it's your responsibility to make sure folks are not parking on that side of the road because if they are the officers will give tickets for that. There are signs there now. June Daugherty: So before it said that it was Shepherdsville's responsibility and now it says it's the Y's responsibility; is that what you're saying? Mayor

Ellis: It will be both. It's just saying that we will ticket those folks so you might want to, when they sign up, put out an email to people saying do not park on this side of the road. You will get a ticket. Basically that was a concern of mine if a kid gets hurt you're not bringing an ambulance or fire truck through there. There were times my truck couldn't make it through there the way people were parked out there. June Daugherty: Will somebody be patrolling to give tickets because we can tell them but obviously we cannot give tickets. Mayor Ellis: Our officers are up there throughout the day on Saturday; if they see somebody there they will write them and stick it on their car. City Attorney Wantland: Candidly this has been a great relationship for the community. We'd like to keep it together and go forward. I think what the City is saying, we'll help enforce and we want the Y to help enforce. June Daugherty: I understand that and we'll send out an email and we'll remind people and that type of thing but obviously we're not going to write tickets. City Attorney Wantland: It's much more pleasant for the individual to be told by someone at the Y as opposed to a patrolman writing them a citation. Mayor Ellis stated at this time he would like to recommend to the Council that we accept this contract. Faith Portman made motion to accept. Clinton Kline 2nd. Motion carried 5-0-1 absent.

Mayor Ellis: We have on the Agenda discussion on closing a strip of ground between 233 and 251 Fifth Avenue. He asked Mr. Morgan and Brad Armstrong to approach the podium. Mayor Ellis stated that Mr. Morgan approached us about closing a strip of ground between 233 and 251 Fifth Avenue. The property is maintained by Mr. Morgan as it is, and he has maintained it for years; and he'd like to close that down and ask the Council to deed that to Mr. Morgan that way it's off the City's books; it's his; he's the one that maintains it. He can fence it off and it helps to keep some of the juveniles from cutting through that go to the park and vandalize. He's had teenagers back there in his back field having parties at 2:00 a.m. and issues like that. Faith Portman: I went over and looked at it and I don't have a problem with it myself. Bernie Brown: Is that like an alley way now? Mayor Ellis: Yes. City Attorney Wantland: I will prepare the Ordinance after we have a blue line, blue stamped signed survey. There is some survey work in the area for the Council but it was done by Maxie Armstrong. I would get Maxie to do it if he was with us but he's not but we do need it. We're finding that out Mr. Morgan that we have to have the blue line surveys pretty much all the time and rather than fight City Hall, if you would, we just may as well go on and do it, have it approved, put it with your deed and have it recorded. Brad Armstrong: I think what we discussed a bit the other day about a preliminary drawing before Mr. Morgan gets into spending a bunch of money on a survey and the Council were to vote it down, maybe we can come up with a drawing to show the Council everybody's property that is involved, just as a sketch, that will be a minimal cost, rather than spending the whole amount on the survey that Mr. Morgan has got to pay for and for some reason the City Council votes it down and he's out the money and he didn't get the alley closed. As far as deed wise the whole alley, if it were deeded to Mr. Morgan, it looks like someone is maybe parking in the alley so whether or not that is going to be an issue with anybody I don't know. Mr. Morgan: I've got all the signatures of my adjoining neighbors except for the City's. City Attorney Wantland: So the Council understands; where the Walgreens in Shepherdsville sits now an alley was closed. There was an alley between John E. and Joe Sohm the City closed. Just recently Bobby Roution has an alley closed, it was in the middle of his property; so there is precedent for this and it does return property back to a use for the individuals. Brad Armstrong: Are we satisfied that the City title wise, we've checked to make sure there is not any long lost heir to that development that may have an interest. City Attorney Wantland: They've been long lost a long time! That's why we're going to do it by Ordinance and give them notice and that's why we got the adjoining property owners to sign off. I'm not complaining but for purposes of the audience, the City is learning that for whatever reason a copy of a survey for certain purposes is just not accepted. That's why we're trying to say were going to start doing the blue line blue stamped copy. Brad Armstrong: There will be some irregularities from what's out there on the ground and what everybody is going by versus what the plats and surveys say so the correct way to do it is by a survey.

Discussion followed on the streetlights in Oak Grove subdivision. Mayor Ellis stated he's received several calls from folks in Oak Grove subdivision that the lights in the subdivision have been turned off. That subdivision is pretty much complete. I know we've taken over several of the roads. We've not taken over the streetlights. At this time I'm going to ask that the Council to take over the streetlights in Oak Grove subdivision. Those folks are in the dark. Bernie Brown: Did you say the streets have been taken over?

Mayor Ellis: The first and second phase have been taken over yes. We voted on those. We didn't vote on Phase 3 which is the furthest part back but it's completed now so once they put the final layer of asphalt on that we'll be ready to take it over. Bernie Brown: Who is checking and verifying what has been done? Mayor Ellis: Claude, you've been back there several time and looked at things haven't you on the road? Claude Middleton: No I haven't. Mayor Ellis: You haven't looked at it? Mayor Ellis called on Joe Wafford who had signed in to speak on this subject. Joe Wafford, 775 Oak Grove Boulevard: Actually I was the final home buyer there three years ago. The back road has been finished with the exception of the portion that goes across to Old Ford Road which is not going to be completed from what I understand until the bypass road goes through from what I understand. You do need to do something with Old Ford Road between the fence and the other part that is paved down there. But currently the lights did go off the 1st of the month. They haven't been on since and that's one of the reasons why I'm here tonight to insure that it was three years after Dogwood completed the agreement with the City was three years after the completion that they would then stop paying that light bill and the City assume that in the common area. Faith Portman: Do you all have a homeowner's association? Mr. Wafford: Yes we do and of the homeowners association from what I understand there are a few people that don't participate. They've been taking care of pretty much all the flowers out front and that's what it's designed to do. Faith Portman: Chuck did you go back at one time and look at the road. Chuck Keith: When I went and looked the finish coat had not been put on but I haven't been back there in a while. Mayor Ellis: The last time I went through there up to where it goes up and you go to the right and it takes you back to Old Ford, up around to the left at that point in time there hadn't, which is Phase 3. We have taken over Phase 1 and 2. It's probably been a year to year and a half since I've been in there. All this means is we're going to take over the lights. Faith Portman made motion to take over the streetlights and have them turned back on. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

Daryl Lee: Coming before you all in the next few days will be a zoning request for 25 acres, more or less, right across from City Hall to zone B-1 Commercial for retail purposes. Ben Robards owns the property.

Duane Price: Nothing tonight; the meeting is Thursday.

Sign in Speakers: None

Department Reports:

Chief Puckett: I want to bring the Council up to date on the garbage collection that we've been doing. So far since we stated the second week on December we've brought in \$15,155 collection to Eco-Tech. \$3000 has been paid directly to Eco-Tech we have collected the rest. It shows that our Code Enforcement Officer has been very busy!

Council Reports:

Faith Portman: Anything going on with Shawnee Acres? Scott Fleming: They've already broken a little bit of ground over there and as soon as the weather breaks they will be back to it. All the easements are staked off. I've got two agreements I need to get but within the next few weeks it should be taken care of. Faith Portman: That's great. Thank you all. Do you know when they are going to finish up on Eastview with the black topping? Scott Fleming: When weather permits. Faith Portman: I also wanted to thank Scott for following up on a complaint I got the other day on Eastview. He's done a great job in keeping me updated on everything. I also want to thank Mike Miller. He has been busy and I gave him three cases. But he took care of them right then and there it already looks better. I also want to talk to you all and ask you to think about this Ordinance that Tammy put a copy of in everybody's mailbox about what the City of Louisville adopted on their nuisances of property, vacant land and who's going to clean it up. I think it's going to add extra work to the City but we've got to do something about these vacant homes. Sending Claude and Mike Miller out there to clean it up every time so I'd like to submit it; I'd like to see if we can look at that. City Attorney Wantland: I'm familiar with it it's just the question of the old proverbial money. It talks about Louisville spending \$1.2 million. Faith Portman: Before it was taken care of. City Attorney Wantland: That's \$1.2 million spent and there's no return for it. Faith Portman: That was before the Ordinance Joe, that's not after. City Attorney Wantland: It's before and after. The City of Louisville has been with dilapidated properties for years. It is an ongoing problem faced by all municipalities. The amount of money paid out

before and after is considerable. It is large sums of money and I think if we're going to approach this we may need to do a task force, meet with the League of Cities, and get some more information. It is a daunting task. One of the reasons why the properties are abandoned is because they are dilapidated and sometimes you're talking about the City literally bulldozing the properties. Faith Portman: This is just foreclosure property. Clinton Kline: This is creating a registry. City Attorney Wantland: Creating a registry is one thing, cleaning the property up and securing it is another. Faith Portman: That would be their responsibility. City Attorney Wantland: I think it's a great idea and if we're going to entertain this the Council needs to understand what an economic challenge and what we need to do as far as budget and these kinds of things. They need to be put in place. It is a large amount of money and it's not only Louisville; Owensboro has a horrible problem down by the river and the City has complained bitterly; they are literally spending hundreds of thousands of dollars per year on properties that have basically been abandoned. We can start it a little bit and work it but do not be deceived; Louisville has about \$60,000 tied up in one piece of property and that property is not going to bring \$25,000. There's a bank and financial institution but they've released their lien, they don't want it. People just literally walk off and it's not cheap. Faith Portman: We can look into it. City Attorney Wantland: I think we need to go to League of Cities or go to someone who has; and we can do this but we're going to need in the spirit of enacting the Ordinance, you're going to have to talk about some funding mechanism because at the end of the day many times it's the first go around the City is going to have to secure the property. Boarding up the windows, doors, etc. Faith Portman: Why would we have to do that if it's owned by a bank? City Attorney Wantland: If the property is worth money the bank is already there taking care of securing it. They pay people to do around. Faith Portman: Not in my neighborhood they don't. City Attorney Wantland: I'd be happy to contact the lenders, we can do that directly. Is it going to be federal funding, FHA? Clinton Kline: I think the questions you're asking is what the spirit of this is. Louisville is already doing that and they are trying to get a registry trying to put the burden on the lender. City Attorney Wantland: They are trying to shift it and they're going to find out its a little more difficult that what they think it is. Clinton Kline: It will inform them when there is vacant property and when there are foreclosure so that they know there's a vacant house who to go to without doing it out of our own pocket. Steve Larimore: I was the one who brought this up to the last Council to get this done. We're going through this right now. We had foreclosure in our development. To be able to find out who owns that property, who has put it in foreclosure, the tricks that people are playing with these loans moving around from bank to bank and financial institutions, it has just been a total headache for me to keep track of who owns our property now. Now the bank has bought it and I can't even get hold of somebody to stop them from moving around inside the property without proving they have insurance and they've got workers out there. So it's a real problem. Getting the registry does a whole lot more than just cleaning it up. The reason I brought it up was because of our instance, and we've talked about it here at City Council several times about property being foreclosed on and we've not known who to go after to get the grass cut for Mike, for whom to go after to clean up the property anyway. So I would ask that we at least consider this first step of getting these things registered. It does impact homeowners too.

Bernie Brown: I have been asked about the Ordinance that we talked about recently and I think we adopted it; the charges for hourly rates and costs of fire equipment going to a scene of an accident. That does include any fires too as well, residential, business fires does it not? Chief Troutman: If we respond to an area and it's not a mutual aid run in an area that is unprotected by any other fire district and we're not responding on a mutual aid run with that department, that would come in to play where you would charge them. If it's a mutual aid run, we're not charging unless it gets into a hazmat situation or something other than a fire response. City Attorney Wantland: Chief you need to go a little further. I think what the Councilman is asking and what I think you're going around to is anyone within the City limits of Shepherdsville, that property would have no charge. Chief Troutman: No one in the City as long as you're a property owner here in the City, you're not going to be charged for response. Bernie Brown: What if they own a business inside the City but live outside the City. Mayor Ellis: If that business is here in the City of Shepherdsville they would not be charged. That business pays taxes in this City. Chief Troutman: We've actually had that situation come up where it was a business. They own one business here in town and they had another business out of town and his business from out of town was here doing some work at his other plant and there was an incident with a truck. We worked it out.

Mayor Ellis asked City Attorney Wantland if he had anything for Executive Session. City Attorney Wantland stated only if the Council wants to talk. Council is aware of the fact that Southeast Fire District has filed another claim against the City. Mayor Ellis stated we have put in a motion to dismiss and are waiting for the Judge to get back with us on that.

Bernie Brown made motion to adjourn. Jose' Cubero 2nd. Motion carried 5-0-1 absent. Meeting adjourned at 7:37 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk