

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

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

Mayor Ellis called the meeting to order at 6:32 and stated the purpose of this special meeting is for hearings requested by residents of Shepherdsville for delinquent trash bills.

In attendance from Eco-Tech: Tim Myers, Robert Lee, Heather Pettell, Office Manager, and Matthew Lee, General Manager of the Company.

Mayor Ellis asked Chief Puckett to call in the first person.

James A. Southern, 165 Highway 44 West: Went to the mailbox one day sometime back and there was a bill from Eco-Tech for \$65.00. Next day I called them and asked them what it was about. They said it was for garbage pick-up. I told them I didn't have garbage pick-up; they had never picked up anything from my home; I did not have any of the green cans that they normally provide. I live here, I work in Louisville. I take my garbage with me and put it in the dumpster at my workplace. They said it's for services that we've provided, you've received it, and you need to pay it. I refused because they had never been to my home. This was I'm thinking 3 years ago. It became an ongoing battle with them. Monthly I received a bill from them, every month I would call them. We went through the same thing and then it went from monthly to about every six months I'd receive a bill with interest and penalties. Up until 3 weeks ago when Officer Miller brought me a statement for \$478.00 from Eco-Tech that you all now have. I have talked with them when I would receive a six month bill, I'd write on it I'm not one of your customers, I don't have one of your cans, you don't pick up anything from my home, and send it back to them. In the past 3 weeks when Officer Miller brought the statement to my home, also served my landlord with the bill for the same amount of money, Alan Sherrard, my landlord, talked to Alan, he talked to Eco-Tech. Alan owns 60 rental properties within the area and Alan said they he was not aware that there is a mandatory garbage pick-up and he is telling me that it's been in place since 2008. I was not aware of that. Eco-Tech never told me at any time that I've ever communicated with them that there's a mandatory garbage pick-up in this City and I had to be a part of their group and pay their bill. Mayor Ellis: Let me stop you there. Have you ever had garbage pick-up in the City of Shepherdsville? Mr. Southern: I have not. Mayor Ellis: You've never had it; because it's been mandated in the City of Shepherdsville since 2002. First Waste Management had the franchise, then Rumpke, now Eco-Tech. As you see the Ordinance that you were given, that Ordinance states that anyone in the City of Shepherdsville has to have garbage pick-up in the City of Shepherdsville. Prior to tonight, I've never seen this and prior to tonight I did not know that we had garbage pick-up except for three weeks ago when all of this started escalating. I called Eco-Tech again and spoke with them and they told me about the mandatory garbage pick-up and I told them if it is in fact mandatory then I need to be a customer. I'm an Eco-Tech customer now. I do have one of their garbage cans now. They have picked up garbage at my home the last two weeks. I'm in compliance. But as far as this bill or this statement, it's not a bill for services it's a bill for late fees and finance charges and everything that they've built up over the last 3 years. It starts off with a \$65.00 bill not \$478.00. Mayor Ellis: It's continuous months. Mr. Southern: Again if its continuous months its continuous months under the assumption that they've picked up garbage which they have never up until the last two Tuesdays. Mayor Ellis asked Eco-Tech if they had any comment. Heather Pettell: The Ordinance is on the reverse side of all the bills and attached to past due notices. Mayor Ellis: Yes, it is there. It is on the backside of all the bills. If you look at the bills the Ordinance is on there. And you had past bills, correct? Mr. Southern: I had past bills from several months, maybe perhaps years ago. I didn't look on the back I looked at the front of the bill and corresponded with them that I was not a customer; that I never had signed up for their service; was unaware of any reason why I owed them any money; and mailed the bill back to them each time that I received it. Mayor Ellis: I pay my trash bill every 3 months. It breaks down to being \$9.00 and change a month; I pay mine and I look at it as everybody in this City needs to pay theirs. That's just the way I look at it. If I pay mine and I'm the Mayor, everybody should pay theirs. I'm sure everyone sitting up

here pays their bill as I do and you sir should have to pay yours. Mr. Southern: I agree. But should I have to pay for service I never received? Mayor Ellis: I don't have any proof that you didn't; all I have proof is that you haven't paid your bills. How do I know you don't have a trash can or didn't have a trash can? All I'm seeing in front of me is that you didn't pay your trash bill. Mr. Southern: Anyone in my neighborhood can tell you I've never had a trash can up until the past two weeks when they delivered it to my home and I now have a trash can and I now have service from Eco-Tech. Dana Bischoff James: How much of this \$478.00 is late fees and penalties? Heather Pettell: I don't have an itemized statement with me. Mr. Southern: I can tell you from what I've seen it's about 90%. It started off with a \$65.00 bill that's escalated to \$478.00 in nothing but late fees and penalties. Mayor Ellis: \$65.00 would be a six month bill because it's billed every 3 months at almost \$30.00 every 3 months. Heather Pettell: We were sending the original bill to Gina Stearman because that was the name on the water bill. Her husband called and said that wasn't her bill so we had to take it out of her name and put it in your name. We had also originally gone after the original owner of the home but she filed bankruptcy. If the renter doesn't pay it falls back on the owner of the home and we sent her a bill and they sent me a copy of her foreclosure papers and her bankruptcy date. Bernie Brown: Do you know who you talked with at Eco-Tech when you called? Mr. Southern: I do not. It's been far too long ago. Faith Portman: How long ago was the bill sent to Gina Stearman? Heather Pettell: Gina said she was Mr. Southern's ex-wife and that the reason why the bill was in her name is because she had set the water up in her name. The reason we put it in her name is because when we originally sent it to him it came back to us "refused". So when we pulled out the water bill it was in Gina Stearman's name so we thought maybe he had moved. We didn't know they use to be husband and wife so we took her name off of it and put his name on it. Then when he didn't pay we looked at the water bill again and it had her name, we went back and forth until Ms. Stearman's current husband called and told us not to send another bill to his house that it wasn't their bill; only the water was in her name. Then we in-turn billed Mr. Southern. Faith Portman: Where was the bill going to? Was it going to her home? Heather Pettell: It was originally going to his home and he refused it so we sent it to her home; then she called and told us that he was taking his trash to work with him and we told her he can't do that and the bill bounced back and forth between the two. Jose' Cubero: So you took the trash to work? Mr. Southern: Correct. I worked at Arch L. Heady Funeral Home in Louisville and we had two dumpsters so I took my trash there with permission from the manager I disposed of it there. Jose' Cubero: We had this conversation at the last meeting that obviously wasn't part of recourse of being a City resident. Is that correct? Mayor Ellis: That is correct. Jose' Cubero: We've had that conversation already once. If you live in the City of Shepherdsville you're obligated to work with the trash service that is provided for you. The contract is debated, discussed and actually agreed upon. Every citizen is obligation to follow that. Your choice of running it to a dumpster is irrelevant in the fact that's part of being in the City. That obviously is important to tell you that because even though you've been obligated to do it the last couple times that's not relevant to this conversation. Mr. Southern: I understand that as of today and as of today again I am an Eco-Tech customer because I understand it is mandatory. Prior to the three weeks before I received a notice from Officer Miller I was not under any knowledge that it was a mandatory garbage pick-up, none. I had never, from the landlord, Eco-Tech, no one has told me that there was a mandatory garbage pick-up in this City. Faith Portman: How long has the Ordinance been printed on back of the bill because it wasn't on mine? Heather Pettell: There is a reference on the back that it's mandated; we give the Ordinance number when we send the postcard. We can't put the whole Ordinance on a postcard. On past due notices the full entire Ordinance prints on the back. The new bills are now on paper and the full Ordinance prints on the back. City Attorney Wantland: Chief what is your solution? You do understand there are people who do not have children but who pay school taxes. When you talk about the fact that you didn't receive the service, the garbage truck came by your house. Mr. Southern: My solution would be, I am a current customer, and I'm going to pay my garbage bill from this day forward. They have picked up my garbage twice now the past two weeks. We started off with a \$65.00 balance that has went from \$65.00 to \$478.00 in fees and late fees and penalties, my proposal is I'll pay the \$65.00 beginning balance if you all will excuse the rest of the penalties and interest and that type of thing and we go forward. Tim Meyers: You've lived there since 2008? Mr. Southern: Correct. Tim Meyers: The garbage bill at \$9.50 a month which is roughly \$100 a year, so it's four years at \$114.00 a year, which would be \$456.00 without any late fees, without any penalties, without anything. Mr. Southern: But there again you're talking about an actual service that was provided. I know that's a grey area that I can't disprove. I understand. Tim Meyers: I'm just saying the actual, no penalties, no fees; no add ons is \$456.00. City Attorney Wantland: What's your

solution Tim? I'm trying to bring it to a conclusion. Robert Lee: I think that an amicable solution would be to pay something in regard to the past due amounts and I'd be willing to do it for about a year and a half which would be about \$160.00 and call it even. City Attorney Wantland: Keep your bill current and pay \$160.00. Mr. Southern: I agree.

Isaiah Sharp, 420 Stoneyridge Wynde: We had no idea about the new Ordinance coming through or any information on it until about 3 or 4 weeks ago in which time we received 11 bills from Eco-Tech. At this time we have 18 townhouses in the City and many of these are dated from last August so we were never notified, never told that someone was not paying their bills. We do have dumpsters available for our tenants to use. And I didn't know there was even an issue here. I had no problem with them getting their own little tote if they wanted a tote. I didn't know I would be responsible for any bills. But I had briefly talked to Scott and I told him on an ongoing basis this shouldn't be a problem because if a tenant moves out we'll just cancel the service since we have the dumpster. My wife called to cancel the service and Eco-Tech told her she's not allowed to cancel the service and they were a little bit rude about it too. You can't cancel the service you have to maintain it. Mrs. Sharp: We had a tenant move out so I was canceling their service and I expected a new tenant if they wanted to get the service and she told me no I could not cancel the service. Mr. Sharp: As a business owner you expect if somebody owes me money I notify them. They have to be told you owe them money and then over time if they don't pay then you may add late charges and other things but to not notify anybody for over 9 months and then come in with 9 months worth of bills and tell them that they cannot cancel the service and you don't have any alternatives that's a frustrating picture. I was told and I don't know how far this is with the water company but if they're going to take it over that seems ideal. Mayor Ellis: We're working on that but of course it will be 2014-2015 before that happens. City Attorney Wantland: You will receive a bill every month because even with a vacant unit you'll still get a water bill. Mrs. Sharp: My issue is this was the first bill that we've gotten last week. City Attorney Wantland: What kind of dumpsters do we have? Mrs. Sharp: Waste Management. Mayor Ellis: That's a violation of the City Ordinance. Mrs. Sharp: We didn't know that there was a City Ordinance. Mayor Ellis: The City Ordinance has been around since 2002. Originally the franchise was Waste Management. City Attorney Wantland: Waste Management should know that they are not supposed to have a dumpster there. Mr. Sharp: I've always used them. You would think Waste Management would tell you if they are not allowed to service you. Jose' Cubero: Do you get a bill from Waste Management? Mr. Sharp: Yes. I pay it every month. Jose' Cubero: They are well aware of the situation. Mr. Sharp: I did not know anything about that. Dana Bischoff James: Is this an apartment complex? Mr. Sharp: These are townhouses, they have a garage. Dana Bischoff James: How many are together in one area? Mr. Sharp: They are all down the same street. City Attorney Wantland: Have you told Waste Management that their dumpster has got to go? Mrs. Sharp: This is the first we're heard. We will take care of it. Faith Portman: Where are your townhouses at? Mrs. Sharp: Nancy Drive, West Blue Lick Road. You can see where this is going to be an issue for us; if we have 20 some odd tenants. If you let us know at the first of the month, we can get with the tenant the first month and try to collect or resolve the issue. Mr. Sharp: We have hundreds and hundreds of dollars of bills that came in. Faith Portman: Has garbage been picked up there? Mrs. Sharp: Yes they pick it up from the cans from each tenant. So each tenant has a tote. Apparently a tenant would move out and they would never cancel their service. The new tenant would move in; we have a couple here when the new tenant set up service and they were getting billed for the previous bill. It was just a trickle effect and this is the first we're hearing of it. City Attorney Wantland: Mr. Sharp: You're going to call Waste Management immediately to tell them to remove the dumpster. Then what are the other solutions that we can come up with tonight? Mr. Sharp: I don't think they can bill us for almost a year of service without any prior billing. We just received these. They are capable of sending out bills I don't know why they waited. City Attorney Wantland: I hear from your side Eco-Tech has sent you bills for a year and at the same time they've been driving, bringing garbage trucks, and totes to your place of business. Mr. Sharp: Okay but if we had been told that Waste Management would not let us have the dumpsters I would have dumpsters from Eco-Tech. City Attorney Wantland: I'm trying to come to a solution. I've heard you loud and clear and I understand part of the problem. I want to hear your solution. Eco-Tech says we're providing a service we want to get paid. Mr. Sharp: If this had been presented to us in the beginning I would have said we'll take the Eco-Tech dumpster, we would have an Eco-Tech dumpster sitting there from last September and I would have no problem paying the fee for that dumpster every month and just do it that way. Mrs. Sharp: And notify us

immediately; as soon as there is an outstanding bill. Heather Pettell: We have no problem adjusting off the previous customer's bills and not holding you responsible because we did just find out within the last couple months that you are the owner of the property. But we need assurance from you that if your renters don't pay that you will abide by the Ordinance. Mrs. Sharp: Can you send us a bill though immediately instead of holding it? Mayor Ellis: Here is what my thought is exactly what we talked about when you first came in. Pull all the totes that are there, those folks don't have them, most apartments around here do not have them anyway and start forcing your tenants to use the dumpster. Mr. Sharp: As long as you (Eco-Tech) will not turn around, if somebody calls you, and put a tote back out there. Mayor Ellis: We don't have an apartment complex in this City where people have personal totes. That's where I was shocked when you and I talked. City Attorney Wantland: Does that work for you all (Eco-Tech)? Tim Meyers: It's a little bit different only in regard that it's not an apartment house. They are going to go on around the street with it and they are like individual units. That's the only thing that. Dana Bischoff James: I would put it your name and charge your renters \$10.00 extra a month. Mrs. Sharp: The bill needs to most definitely be sent to me. Mayor Ellis: That's the other solution then if you allow them to have to totes make sure they come to you and charge them \$10.00 extra a month for it. I see where Tim is coming from also that this is different than an apartment complex. City Attorney Wantland: At this point in time for the first quarter of 2013, you have paid? Mr. Sharp: All of our tenants have these trash cans. City Attorney Wantland: For the first quarter of 2013 are the bills being paid to Eco-Tech? Mrs. Sharp: Each tenant has it in their name. Some have and some haven't. Gloria Taft: If your renters are not paying it's going to fall back on you regardless. Mrs. Sharp: I just found that out. Mr. Sharp: If we can solve it up to this point we have no problem if you bill us and then we can take care of everything from here on out. It is just the past is the thing that got us. I think that works it out and yes we can keep up with each tenant. City Attorney Wantland: That's not fair to Eco-Tech. Mr. Sharp: She said she was okay with it; that she didn't know who owned the property and that's why she had not notified us. Heather Pettell: We will write off the previous bills as long as you can help me get the current renters who have past due balances. Mr. Sharp: She can work with you; it's just knowing what's going on. Mrs. Sharp: We can send out a notice to all the tenants and put it all in our name and charging the \$10.00 a month fee and us collection from them. I don't have a problem with that. Jose' Cubero: You'll have to do whatever you choose but the ultimate thing is you'll still be responsible for the bill. Mrs. Sharp: From here on out I'm fine with that. City Attorney Wantland: From here on out starts the first of January 2013. Mrs. Sharp: That's fine. City Attorney Wantland: I'm trying to get Eco-Tech to agree also. Robert Lee: We're trying to figure out how much is delinquent. Jose' Cubero: You are also going to go on the program of going back to the people who are still in these placed and collecting for past due. If you work with us on that and you're responsible for the first quarter. Heather Pettell: The current tenant at 280B Nancy Drive she owes. Mrs. Sharp: That's what I'm having a hard time making sense of too is what their bill is? City Attorney Wantland: If Mr. & Mrs. Sharp pay from the first of the year, for the first quarter, in other words you bill by the quarter, if they make sure that all those bills are paid from the first quarter and help you collect the arrears from the other tenants Eco-Tech is happy with that? So we have a fully good understanding, bottom line, you pay, you make sure everybody pays from the first of the year. Then you're going to help collect the current tenants. And everybody is okay with that? Gloria Taft: They also have to remove the Waste Management dumpsters. Robert Lee: It needs to be understood that it can't be our responsibility to know if somebody is there or somebody isn't; that is totally up to the customer. City Attorney Wantland: You are absolutely correct. Mrs. Sharp: That was my issue too when I called to say we had a tenant just move out last month and I called and said they are moving out I want to cancel the service because I thought I would take that upon myself from here on out and I was told no, I was not allowed to cancel the service. They would not come pick the tote up. I would still be charged for that. I took issue with that as well.

Robert Huff Jr., 145 Hackberry and 360 Highway 44 West which is my father's and he 90 years old and can't be involved in this so I'm helping him with it. City Attorney Wantland: You can't help your daddy. You're not a lawyer. I appreciate that and I appreciate your father. I was contacted by Mr. Schmidt this week and he says he represents you. Robert Huff Jr.: That doesn't have anything to do with this. City Attorney Wantland: It has something to do with a debt and he indicated to me that you had filed some type of Chapter 13 bankruptcy. Robert Huff Jr.: That's not included in this. It has nothing to do with that. City Attorney Wantland: Again you're represented by an Attorney Mr. Huff. We can't speak to you without your lawyer being present. And we'd like to help you with your dad, but you're not a lawyer you can't represent

him. You can get a Power of Attorney for your dad and come back. Robert Huff Jr.: I have one but I'll have to bring it back. I understand.

Martin Malbone, 915 Beech Grove Road: I moved into 915 Beech Grove in November. Payment to Eco-Tech was made off my child support card through US Bank. The next bill came in, it was a double bill. I called Eco-Tech and asked them what the problem was; I made a payment. They said I didn't. I asked them if they could check and get it right because I'm looking at my bank statement. The lady on the phone told me she didn't care, there was no payment made, that she didn't care if we used her service it was an Ordinance, I had to pay it regardless. I simply told her to make the bill right and I will pay you. That simple. They took \$32.00 and some change off of my card and it was just complete arrogance to the woman that I was speaking with on the phone. She didn't want to deal with nothing and I simply said you make the bill right and I will be happy to pay. Mayor Ellis: Do you have the receipt from that payment sir? Mr. Malbone: Sir that's been almost 3 years, I do not. I went to the bank to try and get it through US Bank but it's been a headache because that's a child support, the money comes on there from child support and child support tells me they don't have records, US Bank tells me they don't have records. But I acknowledged the bill and I believe that the bill was made \$368.00 which it should be and that will bring this current then I have no problem paying that and I think that's fair. Even my last bill I just got was \$45.00 instead of \$32.00 so I keep getting all these recurring charges. Mayor Ellis: How many trash cans do you have sir? Mr. Malbone: Two trash cans. Mayor Ellis: That would be why your bill is higher than the \$32.00. Because prior to this new contact, there was a charge for a second can. Mr. Malbone: I was not aware of that. City Attorney Wantland: Are you willing to write a check tonight for \$362.00? Mr. Malbone: I can pay it Friday. I couldn't do it tonight but if we make it \$362 and settle up to the next bill I'm fine with that. I have no problem. Robert Lee: That will be fine as long as here on out for the next year he stays current then we're happy. Mr. Malbone: If the bill comes in what the bill should be. Mayor Ellis: Effective April 1st you have a second can that is included in the \$32.00 a quarter. The total bill will be \$29.55 and if you are late you'll have a late fee on it. City Attorney Wantland: Friday is March 15th. What we're doing and trying to work out tonight, Eco-Tech will accept \$362.00 plus a \$25.00 City administration fee for a total of \$387.00. You have to pay \$387.00 here but if you don't pay it you have to pay \$572.18. Mr. Malbone: I have no problem with that.

Gloria Taft: Can we send a notice to Waste Management to remove those dumpsters. City Attorney Wantland: If they don't move those quickly I'll have the officer out there to cite whoever has those. Mayor Ellis: If they don't pick them up we'll have Counsel send them a letter.

Gloria Taft made motion to adjourn. Clinton Kline 2nd. Motion carried 6-0.

Meeting adjourned at 7:17 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk