

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, MAY 13, 2013**

Councilman Jose' Cubero gave the invocation

Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:31 p.m. and welcomed everyone to the meeting.

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

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 4/22/2013 regular meeting. Clinton Kline made motion to dispense with reading. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis called for a motion to approve minutes as written from the 4/22/2013 regular meeting. Jose' Cubero made motion to approve. Clinton Kline 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis announced that the garbage appeal hearings will be Wednesday, May 15<sup>th</sup> at 6:30; City Hall will be closed on Monday, May 27<sup>th</sup> in observance of Memorial Day so there will be no Council meeting. He stated he had been informed that a person had resigned from the Ethics Board and at this time would like to appoint Pam Peveler to the Board and asked the Council to make a motion to approve her appointment. Faith Portman made motion. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent. City Attorney Joe Wantland swore Ms. Peveler in at this time.

**Old Business:**

Mayor Ellis asked if Autumn Hollan was present to discuss her request for a parade permit. She was not present so the item will remain tabled.

**New Business:**

City Attorney Wantland read Resolution 2013-09 authorizing opening a Checking Account at Park Community Federal Credit Union for the City of Shepherdsville's Tow Low Revenue. Dana Bischoff James made motion to accept. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent.

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) on request by Publishers Printing Company to rezone 1.03589 acres, more or less, from B-2 Central Business to IL-Light Industrial. The property is located on the south side of Adam Shepherd Parkway adjoining the CSX Railroad and existing Publishers property. He stated it is recommended to be approved. Mayor Ellis stated the second reading and public hearing would be on June 10<sup>th</sup>.

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) on request by Frisch's Restaurant Inc. to rezone 0.50 acres, more or less, from B-2 Central Business to B-1 Highway Business. The property is located on Adam Shepherd between Frisch's Restaurant and PNC Bank. He stated it is recommended to be approved. Mayor Ellis stated the second reading and public hearing will also be on June 10<sup>th</sup>.

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) closing strip of ground between 233 and 251 Fifth Street/Avenue. Mayor Ellis stated the second reading and public hearing will be on June 10<sup>th</sup> as well. City Attorney stated that Mr. Morgan was present and stated that there was one person left off and he had sent a certified letter to him. He has signed that so we're getting good to go!

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) repealing Ordinance 006-690, Ordinance 007-721 and Ordinance 009-777 relating to the establishment of a Civil Service Commission for the employees of Shepherdsville, Kentucky prescribing the duties and declaring

qualifications of the Commission Members, providing for the appointment/dismissal/promotion of covered employees of the City and further providing for appeals by aggrieved parties to disciplinary hiring or promotional actions of the City. Mayor Ellis stated the second reading and public hearing will be on June 10<sup>th</sup> as well. Mayor Ellis called Civil Service Commission Chairman Tom Rosselli to the podium for comment who is a Sign In Speaker who wanted to speak on this subject. Tom Rosselli: Did I understand that you were going to hold the discussion on debate about this draft of the Ordinance that I submitted? Mayor Ellis: Yes. Tom Rosselli: I want to bring a couple things to your attention that I was just informed and rightly so that if you would put a little note on your paper in the Disciplinary Section on page 23, there's a mistake there where it says any employee removed, suspended, or reduced in grade by the Mayor shall be allowed a period of 10 days, and it goes on. But the procedure will be that the person will go to the City Clerk or her designee which your designee is Brenda Taylor. That's the way that should read. I just want to bring to your attention; I have Walt here, and this takes precedent over – when you have a Civil Service regardless whether you keep it or not, you have to abide by the agreements that you made prior, on a Civil Service it can be considered 10 years, it can be considered a legal binding document, a contract or property rights. Once you are vested, one that year probation is over and you've been assigned to Civil Service the next Mayor cannot come in and circumvent, cherry pick people who he wants, department heads, if they are covered under Civil Service. I just want to make that perfectly clear for the people that want to run for Mayor or whatever, they have a problem because if you accept this after you read it, if you don't, it's alright with me but if you want to hear from the Attorney of the Case history of it, and if you want to bring it up later and discuss it, I'll bring Mr. Sholar back with me and we'll discuss it then. I just wanted to make that clear to you that you're already obligated; once you guys signed that in 2006 you made a binding contract with the employees of the City of Shepherdsville. Dana Bischoff James: Just for clarity, this contract, the Civil Service Ordinance that's in place now holds each of the employees that are employed now until they retire, correct? Tom Rosselli: Correct. Or if they are dismissed by cause. Dana Bischoff James: So they are under that contract? Tom Rosselli: Yes. Gloria Taft: Except for the ones that are excluded. Tom Rosselli: If you adopt this one, what it is actually doing is getting that first Ordinance and second Ordinance corrected. And it's doing it the slow way. It states on page 6 those persons who at the date of enactment of this Ordinance hold positions that were by previous Ordinance included and by this Ordinance are excluded being: the Chief of Police, Assistant Police of Police, Police Major, Fire Chief, First Assistant Fire Chief, Second Assistant Fire Chief, Major of the Fire Department, City Clerk, Public Works Superintendent/Department Head, Sewer-Wastewater Superintendent they are covered. You can't touch them. That's the way I read it. I just want you to be aware of what you're doing and if you have a manual that you want to adopt that's fine with me. But you need to put some speculations in that document saying that to give somebody a heads up that what you're getting into now we don't have a Civil Service anymore but the people that have come before you are covered but they are not covered now. And really I don't know if the way you have it; I have my doubts about if you have three Council people that are supposed to be having the hearing; I don't think you can do that. I think it has to go to the Civil Service. That will be the attorney to explain more. The barn door is already open, the horses are already out so guys hang on so guys hang on we've got a long ride to go before it straightens up. Corky Miller, former Chair of the Civil Service Commission: I just want to agree with him on one thing. Once Civil Service became active those people are grandfathered in until hell freezes over you might say. You can't change it. The new people that are coming in that you hire, you could hire them under the new document that you're going by but these people would be grandfathered in from now on and I know I read that in the State Statutes. Tom Rosselli: I want to apologize I don't have in here that you have to have 5 years living in the City of Shepherdsville as a registered voter but I do have all the other specifications to be acceptable for the Board. Another major issue is that there is one year, two years and three years. We've already started the process. The Statute in 1990 say that you have to go three year periods so what I fixed in here for your explanation is we're going to stagger them out. There will be two hard core people in and then one person out. That's why it's kind of inconvenient when you're looking here; my term expires in 2015 but on paper it ways 2014. Walt Sholar: I'm blessed to be serving as Counsel to the Civil Service Commission currently. In putting this all together what we got to looking at; and Mr. Miller is correct and Mr. Rosselli is correct in that it's established law that once Civil Service is adopted you can't just take it away because it creates a property interest in the employee's continued employment. There's a United States Supreme Court case on it that was rendered in 1985 and it is Cleveland vs. Lauderhill for anybody that would care to look at it you can find it on the Internet it is Cleveland Board of Education vs.

Laudermill and its 470 US 532. What that established in practical terms for instance in the 1990s the state of Georgia did away with its Civil Service program and it went back to being an at will employment state. It did away with Civil Service throughout the State of Georgia for everybody that was a new hire. Everybody that had been hired prior to the establishment of that particular law in the mid-1990s when Governor Zell Miller was Governor down there, everybody on before they continued to operate the same protections and rights that they had because of their property interest in that the State of Georgia previously adopted Civil Service throughout the State. That's pretty much why I think if you're going to exclude in this new Ordinance some positions that were included previously you're going to have some difficulties or potential difficulties if you don't allow those that are already in those positions to stay on until they determine to leave, retire or maybe terminated for just cause. One other thing I wanted to point out, Section 36 of this proposed Ordinance as it's written up, if I may flash out a little bit what Mr. Rosselli was saying, it sets out in Section 36 that any disciplinary action by the Mayor may be appealed to the Civil Service Commission and that's a mistake in the way that we need to have that pursuant to KRS 95.761 and KRS 90.360 is that anybody who is covered, let me back up, Shepherdsville is a 4<sup>th</sup> Class City and 4<sup>th</sup> Class cities can adopt the Civil Service authority that 3<sup>rd</sup> and 2<sup>nd</sup> Class cities can have which is to set out in Chapter 90. 90.360 establishes the way that discipline has to be rendered under employees that have civil service in those class cities or cities of the 4<sup>th</sup> class that adopt a 360 style civil service. What that requires is that if any employee does something that would be a violation of some nature charges may be preferred by the City itself or private citizens but the discipline must be rendered by the Civil Service Commission which is different than say for instance in Louisville where the appointing authority, the Mayor renders the discipline or the police chief or whatever, and the affected employee has a right to appeal to the Civil Service Commission. That's not the way Statute requires it to be done here now. And part of the reason that that mistake got made by me in preparing this one is that the Ordinance that was adopted several years ago has that type of procedure in it that the Mayor institutes the discipline and it's appealed to the Civil Service Commission and frankly I did not look deep enough into the Statute itself to see that would be an inappropriate thing and I think we'll have a problem going forward if we don't comply with KRS 90.360. But I'll leave that to Mr. Wantland. I'm sure he'll straighten it up where it needs straightened up as it gets further down the road. I'll be happy to answer any other questions you may have. Dana Bischoff James: How many other cities or places who have had a civil service and dismissed it; how much ambiguity, lawsuits, what's the likeliness of those issues because once you get employees and you have different employees under different contracts, how many problems can we expect especially in future administrations because we don't want to look just at our own? Walt Sholar: I've not found any other cases. I've not found any Kentucky cases that deal with the subject. I'm not aware of any jurisdictions that have had civil service and then just said we're doing away with it without grandfathering in the prior employees. Jose' Cubero: At this class City there hasn't been that many with a civil service commission like that. Walt Sholar: I couldn't tell you any others that have. Jose' Cubero: There's no precedent because there's very minimal people that have it. Walt Sholar: But there's not 1<sup>st</sup> Class cities, 2<sup>nd</sup> Class cities, 3<sup>rd</sup> Class cities I'm not seeing, generally around the Country there's not a breath of cases where, in fact I haven't seen any, there's Cleveland Board of Education vs. Laudermill and that one in '85 established that public sector employees have a property interest in their employment when they have civil service and therefore they can negotiate it away or they have it until such time as they are no longer employees. Corky Miller: One of the things I checked on when I was on the Commission is I contacted the League of Cities and they told me the majority of cities in the State of Kentucky have the civil service. The thing I think we argued before some and I didn't like it when they hired the group to write the new policy and procedures because they were not familiar with Kentucky State Law, they were from Indiana and I think that's where it all started is that you hired a group from Indiana. Faith Portman: Walt I know you and Tom have worked hard on this and what I've read, I'm going to re-read it, it's complicated. Can I call you if I have questions? I thank you for all your hard work. Tom Rosselli: As I told you I did give out drafts and there was a mistake found and we're going to correct that and I will get back with Walt. It's up to you you're the Council. Faith Portman: I personally like something that protects our employees that's just how I am, I've always been that way but I also want something that is going to protect the taxpayers. They're the number 1 on my list. But without our employees we can't make our taxpayers happy either. Tom Rosselli: My main concern is lawsuits down the road. It could happen. You've already left the door open. Somebody has already stepped their foot out so that's my concern. Faith Portman: A lot of that is because it wasn't followed correctly. Tom Rosselli: It wasn't followed. Dana Bischoff James: Say that the Civil Service was

voted out. The former employees would still be technically under it, but they would be under the skewed version which created a more open door for lawsuits as well because I know Tom's working on a revision so if we actually vote this out then the current employees are under the Civil Service that is skewed in which the corrected version pretty much protects so much more if it's followed by protocol but if we leave it up to the other one then we're dealing with 3 civil service ordinances that the rest of the employees will continue to be under. Gloria Taft: You've got to repeal the other one. Mayor Ellis: How close is this new one to the KRS 90.360 that you were talking about? If the City of Shepherdsville were hypothetically to go to a City of the 3<sup>rd</sup> Class could this one be adopted as a City? Walt Sholar: I believe so. I believe it would comply with, again that Section 36 needs to be changed, other than that I don't see anything in Chapter KRS 90.360 that would be prohibitive to this Ordinance. City Attorney Wantland: The other one was not enacted properly. Walt Sholar: The first one was something and then the second thing that amended it didn't amend it in an appropriate fashion and it was a bit of a mess to deal with. City Attorney Wantland: And the third one was a total disaster. Gloria Taft: What we're working with right now is disaster which is why we thought, get rid of the old because it doesn't work, it isn't effective, it isn't right. And you guys are trying to work with something that isn't correct. So that's what brought up this whole thing about getting rid of what's not working and bring in something that works for the City, that protects the City, that protects the employees because what we have right now on the books is inept. Jose' Cubero: One of the focuses on the whole policies and procedures is that it holds not only the employee to understand; what this whole thing was designed was to protect the employees in the work environment. We have federal laws, we have state laws that still protect them all the way through down to the work environment but in the local we need to have something that protects this City and while we're doing this we setting expectations of all the job descriptions, pay rates, and all that, and letting you know that when you start what the expectations are, you're trained properly, you're evaluated properly and you're disciplined properly. What's happened so many times in history is well, Walt did something wrong; well Walt don't do that again. Well then Walt gets fired; well he has no documentation in his folder. So what we're saying here is we're trying to put a program together that everybody signs off on, the last page of that manual that everybody that works for the City of Shepherdsville will sign understand that these are the Policies and Procedures. What that does is first of all tells the employee what the expectation is but also tells the Department Head what their expectations are. So what we have now we don't have what I call a spoils system, we have a system that's for everybody so Walt will always know, good or bad, where he stands in his work environment and if he's treated fairly. He has recourse, again I appreciate what you two guys have done, I think it's great because we are trying to protect the taxpayers in this in the long run; we're trying to protect the employees who come to work for the City but we're also making sure the taxpayers are not spending their money and our time in litigation. So I think the emphasis that Gloria and I are trying to make a little bit, is that what we've done is not working. If we put in a civil service into our plan that's fine, the one that's actually in the original plan that we have is designed to have it done through the Council. Three council members make the decision, the very first level of grievance if something comes up with the employee where they feel like then it's held to the accountability and it goes up the ladder as far as the legal recourse. Tom Rosselli: You have a major problem because we have a Circuit Judge over there that wants you to follow some rules and policies and procedures and Walt has drawn this up. If was a farce all these trials/hearings. You have procedures you have to go through so you better make sure that if you want to go that other route. Walt Sholar: What Mr. Rosselli is referring to is back last spring Judge Burress in the Schroeder case he ruled, actually I think he ruled it in December or so, but he ruled that because the original Ordinance said that the Shepherdsville Civil Service Commission would establish rules to govern hearings and so forth. It didn't do that. None were set out. So Judge Burress in that case said okay guys there are no rules and that's a violation of due process. You've got until such and such a time to get rules adopted. We prepared a set of rules for a hearing. The Civil Service Commission then proceeded to conduct a hearing of Mr. Schroeder's appeal according to those rules and what happened in that Schroeder case happened and Mr. Schroeder did not appeal that further. Tom Rosselli: I just want to bring it to your attention because it was a free for all in here when the lawyers would get together and you have three civilians up there who didn't have a clue what they were doing. It was unfortunate to be put in that position but there should have been a lawyer there. That set of rules made that case easier, we went right down the line and we followed the rules and that case went smoothly. Jose' Cubero: One of the things I want to also mention, it doesn't matter how nice this program is if the human element here we don't do the job in it litigation is still going to come to the City. But at least we have an

expectation because we have an outline. The outline is obviously the adoption we want to have on the policies and procedures. I'm not against maybe having something instilled like this into the policy, we had that option that was actually offered to us, what we want to do within the City or one that they were actually putting back in there because that was offered to us. I think the only thing I'd like to recommend, I don't mind looking at this, because it doesn't how nice this is if it's not followed the judge is going to really take it on us. We'll be punished if we don't do this so it's nice like this just like our policies and procedures are but you do have a commitment that people sign off on it and that is legal and binding in a sense that if you don't follow, and you know the policies, you will not win litigation and you will not get your job back. That's my experience in the business world; it's nothing different in the government. Dana Bischoff James: Are you referring to where Mitch said the Civil Service could be placed in the policy and procedure manual? Jose' Cubero: It can be implemented in our policies and procedures manual. Tom Rosselli: You would have to have some kind of order in that room to follow if they have procedures that the judge is going to accept. Gloria Taft: It's going to fall under the same rules that we're sitting under right now. Jose' Cubero: That's fine. I obviously haven't seen that and would like to get a copy of it. If that fits and it's what Judge Burress would like to see happen that can be put in there. Tom Rosselli: And make sure if you do that other make sure you have it in there that prior to x day people that were grandfathered in that it's written down. Walt Sholar: Mr. Cubero you hit it right I think in that whatever rules, policy and procedures manual, whatever, when we went through that back in the 70s every police department, every fire department, everybody all across the State wanted these great big thick policy and procedures manuals. What I primarily do for a living today is I represent police departments in liability cases. I've worked at the Louisville Metro Police Department and if you are going to have policies and procedures you have to follow those policies and procedures because when lawyers get involved in cases where police have done something the first thing they should want to do is give me a copy of your policy and procedure manual and they want to see whether those policies were followed. You hit it. Whatever it is, whatever gets adopted has to get followed. Jose' Cubero: As well intended as civil service was it was very reactionary and wasn't thought out and that's why we are in the mess. Tom is right. The door is open, our goal is to put out a policy and procedure for every employee so everybody knows what the expectation is for the job environment but also make sure that the taxpayers aren't running into these kinds of situations. They don't have to look back all the time. Are we doing the right job and it's the Mayor's job to hold the Department Heads accountable to make sure they are doing everything with each one of their members. That's really where this is going to come down to. Tom I really don't have with the protocol of that if that is something that is well liked within the judicial system of our County then we want to Tom Rosselli: You have to have due process. Three civilians up there, if your Council people are going to go it you're going to have to follow some kind of procedure. It doesn't make any difference to me. I'm just trying to give you a heads up of the problems you're going to have and like I say if you don't have it in the manual, then somebody is going to read it that people that have been vested you have a certain procedure you have to follow. But the people that come after that are going to follow what you all say. Dana Bischoff James: I like the idea of all of our employees being on the same scale versus somebody is under civil service, someone is not, because to me that opens up huge wide doors for lawsuits, whether it be now or four years from now. Also going back to Mr. Mayor when you say that if we were to go to a 3<sup>rd</sup> Class city that document can be very easily tweaked so that civil service could enter because if we go to a 3<sup>rd</sup> Class city civil service is required but I don't like the idea of going to a State where it's not connected where we know what's going on here in our own County, we're still governed by the laws but if we keep it here at home then there's less likeliness that they'll be in a distant office making decisions for our City where they are so far away they are not connected to what's actually in the City. That's one of the other things to consider. Tom Rosselli: Mayor, do I have permission of the Council for our Attorney to rectify some of those issues in there? Mayor: Yes.

City Attorney Wantland had first Summary reading of Ordinance 2013-(number to be assigned) regarding the City of Shepherdsville Policies and Procedures Manual. This will be two matters for the Council to consider. One is to read the Policy and Procedures to adopt an Ordinance by Summary so can we have a motion on that? Dana Bischoff James made motion. Clinton Kline 2<sup>nd</sup>. Motion carried 5-0-1 absent. Mayor Ellis stated the second reading will also be June 10<sup>th</sup>. Jose' Cubero: Mayor when we get with them we just look at the logistics of the way under the Commission we have set up in there to be sure we get with Tom and Walt so it all fits right for what's being done already accordingly. So we in place on that. Tom, Walt,

since the second reading of this is going to be June 10<sup>th</sup> I want to make sure that what we've got set in there that we have time to meet with you guys to make sure all the logistics of the procedures are in there and at least try to take what we have in place and get with you on the protocol on the procedures. We'll do it before June 10<sup>th</sup>. Dana Bischoff James made motion to schedule a special meeting to meet with Tom and Walt so we as a whole unit can ask any questions that we have. After discussion it was decided to have a special meeting on May 20<sup>th</sup> at 6:30 to discuss the proposed civil service disciplinary policy. Gloria Taft 2<sup>nd</sup>. Motion carried 5-0-1 absent.

City Attorney Wantland had first reading of Ordinance 013-(number to be assigned) establishing collective bargaining for Shepherdsville Police Department employees. Mayor Ellis stated 2<sup>nd</sup> reading will be June 10<sup>th</sup> as well.

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, annual budget for Fiscal Year July 1, 2013 through June 30, 2014 be estimating revenues and resources and appropriating funds for the operation of City Government. Mayor Ellis stated the 2<sup>nd</sup> reading and public hearing will be June 10<sup>th</sup>.

City Attorney Wantland had first reading of Ordinance 2013-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, annual budget for Fiscal Year July 1, 2013 through June 30, 2014 be estimating revenues and resources and appropriating funds for the operation of the Sewer Department. Mayor Ellis stated the 2<sup>nd</sup> reading and public hearing will be June 10<sup>th</sup>.

Mayor Ellis stated that City Attorney Wantland send an email out regarding 609 Tecumseh Drive, a request from Steve Armstrong for an encroachment in a drainage easement. City Attorney Wantland: On this situation a house was constructed and the house extended into the drainage easement 2-1/2 feet. The builder put in on a five foot setback which he was allowed but there is a 7-1/2 foot drainage easement. I would ask the Council to release that portion, that's the word they want me to use, but convey back to Armstrong Homes this 2-1/2 foot so that the house doesn't have to be moved. They asked for a letter from the Mayor and they received that. Saying that the City would not enforce it since given the fact that there was a house there. Then I prepared a deed basically to convey back to Armstrong; now they are asking for a deed to release. What I would do so that we don't have to do it twice is let the Mayor execute this deed conveying the 2-1/2 feet back to Armstrong Homes and if they present a deed of release later on I'll look at it and if they want to record that too they can. But it's just the idea of accommodating Mr. Armstrong so he can get his house sold. Dana Bischoff James: There aren't any concerns for problems with that, correct? City Attorney Wantland: I don't have any concerns with it. It's not that big of an encroachment when you think about it. Gloria Taft: How is that going to affect drainage if they want to add on, if they want to build a carport? City Attorney Wantland: They can't build on because what they staked out was the side building line as opposed to the drainage easement. The side building line is five feet from the property line so they can't extend further. Faith Portman made motion to approve. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Tom Rosselli: I forgot to tell you guys something. We are short one Commissioner. And God forbid something may happen tomorrow and I'd rather have three people sitting up there instead of two people. Mayor Ellis asked if Sheri Webber was present. City Attorney Wantland swore Sheri Webber in as Civil Service Commissioner.

Mayor Ellis stated he wanted to open the floor for discussion from the Council on the proposal that everyone was given on making Police, Fire and Public Works Departments capital expenditures. Mayor Ellis stated what this is we have need for replacement of police vehicles; there are 7 in this proposal. Clinton Kline: What are the criteria for replacing? Mayor Ellis asked Chief Puckett to explain about the replacement of the police vehicles. Chief Puckett: We haven't bought a police vehicle in four years. We've actually got 24 vehicles right now; we've got a DARE car and we've got a truck that we got from the Bullitt County Drug Task Force when it was disbanded. Right now I have one spare vehicle and wouldn't have that spare vehicle if I wasn't driving the pickup truck that we got from Drug Task Force. It's got 126,000 miles on it. We're at the point now where we just need vehicles. We have no spares. Last week we had 3 vehicles

down that Claude was working on. Luckily we were able to get the parts to get them back out on the road before the people had to come in. We had to transport officers home and pick them back up to bring them back in here. Jose' Cubero: What's the life on one of these vehicles that we're getting ready to purchase? Chief Puckett: Anywhere from 5 – 6 years, 100,000 miles, in that range. When you get up close to 100,000 you start having a lot of maintenance problems and we've had a lot of maintenance problems because we've got cars that are getting up there in mileage. Jose' Cubero: Four years ago how many did we buy? Chief Puckett: We were buying 5 cars every year to keep the cycle every five years to replace the older cars. We haven't bought any cars in 5 years so we're 20 cars down basically. Gloria Taft: Wouldn't the resale value be affected if we didn't run our cars to death before we bought new ones? Chief Puckett: If you sell them with 70,000 – 80,000 miles, closer to 70,000 you'll get a whole lot more money out of them. Clinton Kline: How much money? Chief Puckett: St. Matthews, they keep their cars four years and they sell them, I think they have 65,000-70,000 miles on them, they get anywhere from \$6000-\$6500 back out of the cars. Clinton Kline: What do you expect to get out of one with 110,000 miles on it? Chief Puckett: \$500 if we're good. Usually what happens is taxi cab companies will buy them from us and use parts off of them. We've got \$2500 out of two cars I think two years ago but they were fairly decent cars. These cars we put on Gov. Deals we get anywhere from \$1000-\$2000. Depends on who wants them. Gloria Taft: So if we don't run them to death in effect if we get on a five year rotation, we can buy four, get one free, almost. Instead of running them to death and getting nothing in return and having to buy 5 cars. Chief Puckett: By buying the way we're doing now we're not financing them so instead of paying \$18,000 a year on finance charges we're basically getting another car. Gloria Taft: If and when you order them how long will it take for them to be in and ready to hit the road? Chief Puckett: Six to eight weeks. With ordering two Dodges, the Dodges cut their orders off April 30<sup>th</sup>. Mayor Ellis: Get all Fords, support local economy. Gloria Taft: If you get all Fords the parts are interchangeable. Clinton Kline: How many miles do they get on average per year? Chief Puckett: Between 12,000-15,000. Jose' Cubero: Mayor, we want to make sure these purchase are made in this Fiscal Year right? This money is coming out of our proposal. Mayor Ellis: Yes. City Attorney Wantland: Has the money been appropriated? Jose' Cubero: That's what we're doing now. We also want to get on some kind of system of having a plan as you did before, somewhere in that same plan where we keep the cars in good shape when we're out on the streets. Chief Puckett: We have a good maintenance plan on our cars right now. We have a program and it keeps track of all the maintenance we do on each car. Faith Portman: How would it be if maybe you got two and maybe two in the next fiscal year? Jose' Cubero: We've got the money now. Clinton Kline: Just because we have the money doesn't mean we have to spend it. Dana Bischoff James: They need new cars. Jose' Cubero: They need ten and they went down to 7. We're not even at the level they need. If we do two, two and two, that's a slow drip on a situation where we have at least 7 cars. Dana Bischoff James: I really like what Gloria said instead of waiting until they get to that point, and I know in the past the finances were not there, but I really like the idea of trying to get more out of them. Gloria Taft: And if we're able to pay cash for them we're saving the interest that we would otherwise have to pay out. Clinton Kline: If I add 15,000 miles to all these current mileages there's three of them currently over 100,000. If you add another year of service 15,000 miles you only have two more cars hitting 100,000 miles. That puts us at five but you're saying ten and acting like you're doing a favor by modifying it down to 7. Chief Puckett: I'm not doing a favor; I'm just trying to be realistic. You've got to figure we've got to have spare cars. You can't just have the cars that people are going to be in; some of the higher mileage cars become spares. Jose' Cubero: Another thing too, when we talked about this we talked about the whole purpose of having proper equipment to work with. I don't wish this on anybody but I'd hate to have one of these cars considered marginal on the road and somebody needs service and we have that problem. That's not really where we want to run our City when we talk about the kind of attitude. Faith Portman: How many are actual patrol cars that are on the street patrolling. Chief Puckett: The only unmarked cars we have are one Taurus that the Colonel has, we have an Explorer that one of the Detectives has and two other Taurus's that two Detectives have. The rest are marked. I'm not driving a City vehicle right now I'm driving one that we got from the Task Force. Jose' Cubero: I just think we're working from backward as far as the service aspect of what we're asking you guys to do. We're talking about the service expectation; we want you out on the streets doing things; we're way behind of what we've done to keep this City where it's supposed to be. That attitude has got to change because we went so long with not having anything. You said four years, but not just that, it's been with everything. The different tools to work with each department. I'd rather have the attitude let's get us back to where we're supposed to

be with this size City and making sure we're able to take on the growth. We can't work from behind. We're working from behind. Let's get back to the level we're supposed to be. The expectations has been set with each department head for what you are supposed to do once we give you the tools, and I think you've done that. We've talked a little bit about that being out in the community, being out in the neighborhoods, making that presence known and being in those high traffic areas where the criminal activity is. As long as you're doing what you're supposed to do Chief we're going to make sure you have what you need. Chief Puckett: As far as what you're talking about if you add 15,000 miles it will be 100,000 on them; those cars are high maintenance cars. So if we keep those out everyday service then the maintenance budget we've got is going to go up even more as it is now. Dana Bischoff James: That takes up Claude's time as well from doing other projects. Chief Puckett: We've gone over our maintenance budget now. Jose' Cubero: If you look at the way the budget was done this year, at the way it was set up, it was set up for not really spending that money. Then because the revenues have increased that probably was budgeted for the year originally if you projected those kinds of revenues. Not to know that but what they did, what each department did, again we've gone over this over and over, the revenues were up and the expenses were down because you didn't have the things that you needed. Now we have an opportunity to get these things. We don't really know what every year is going to bring but this year they've each handled their department and are accountable for the money that they've spent and they spent a whole lot less that the revenues brought in to take care of this City. I understand being conservative, making sure we spend our money wisely, but once we invest the money in you, again we've set the expectation with you, in each of the departments. So I think you need the cars in order to take care of what we need you to take care of. The expectation is a lot higher and it should be. But it is because you have the right tools to work with and the right vehicles. Like I said, 5 cars or 7 cars or 2-1/2 cars or 4 cars, 7 cars, you get 7 cars, take care of business. That's about as simple as it gets. Dana Bischoff James: It's our duty to give you those tools and resources to be successful. Faith Portman: We also have to think about the debt that we have. Jose' Cubero: That's part of the proposal we have too. Faith Portman: I know that. I understand that but we have raised taxes on people of this City. We did. You all weren't here but I was here for that. Jose' Cubero: Are we talking about occupational tax again? Faith Portman: There's occupational tax, there's sewer. Jose' Cubero: Sewer has nothing to do with this. Faith Portman: I know it don't, but the taxpayers are the ones that are feeling the pain right now. I need to get to say what I want to say here and I'm here for the taxpayers. I want to take care of them too like I'd like to take care of the fire department, and I'd like to take care of public works and the sewer department, that has lacked on a lot of things. We need to take care of everybody. And we can't do that if we give one department everything. Jose' Cubero: We always have money budgeted out and there's going to be more money budgeted but percentage wise it's their operational cost. Faith Portman: I also think about all that debt we've got to pay at the end of the year. Dana Bischoff James: Is there any more questions for the police. I say we keep looking at this and see where everything is dispersed out. Chief Troutman: Our proposal was \$175,000 was going to pay off the fire truck that we have that we still have debt on; existing debt as of right now. Then we budgeted another \$24,000 almost \$25,000 for 15 more sets of turnout gear that we need; and then we also budgeted \$27,487 for radio equipment that we need. As you know we took the Police Department's old radios trying to make due how we could with those and with our older radios that we had. I really don't know the last time the Fire Department upgraded their radio system. That would buy enough radios for each seat in the truck so when a guy comes in on a fire run they have communication from the inside of the building to the outside of the building if they get in trouble. That's what that does. That's the three things we're going to accomplish. Faith Portman: How much turnout gear was that? Chief Troutman: its 15 sets. That's the coats and pants. We just bought 15 sets. It will be a total of 30 sets of gear. When we did our last inventory we had 22 sets that were over the 10 year mark and we have a bunch more that's getting close to the 10 year mark. At 10 years they won't repair them at all. Usually the life of a turnout gear on someone that's very active like our paid staff, you may get 3 - 5 years out of it. On your volunteers you may get 8 - 10 years out of it, it just depends. City Attorney Wantland: So on an annual basis, what would you need for replacement costs? Chief Troutman: Once we get caught up it would be nice to budget maybe 5 sets a year just to rotate out. Most departments I've been on and been associated with, that's the plan they use, you try to get 5 sets of gear a year and that way you're rotating out every year some of the older gear. If you don't need to buy it that year, you just don't buy it. It's on an as needed basis. City Attorney Wantland: How long has it been since you purchased turnout gear? Chief Troutman: We bought a couple sets when I first took over with grant money that we had. Before that it was 2007 the last

time they bought gear for the firefighters. And before that I couldn't tell you when. It's been a long time. As of right now we have almost 50 members. Jose' Cubero: I'm going to ask you the same question I asked Chief Puckett at our budget meeting. Have you lost anybody recently on your staff? Chief Troutman: No actually, I'm glad you asked that, we have one firefighter; he's on Military Duty right now. As he was leaving he was offered a job with Harrods Creek Fire Department. He hadn't accepted it. He was waiting until he got back to see if he was going to accept that job. He was also the next one on the list for St. Matthews Fire Department. A very outstanding young man. Since the raises came in he's called and told me he's going to stay here. Jose' Cubero: Chief Puckett, just as a sidebar here, how long has it been since you've lost an officer? Chief Puckett: Since the pay raises now. City Attorney Wantland: How much money has the City put in that individual for training and these kinds of things? Chief Troutman: I don't know where to begin. He's a swift water tech, rope tech, Hazmat tech, EMT, there alone, just the hours, every year you have to get so much certification every single year on all those certifications. He's been with the City a little over 6 years now. All those hours and money spent. It's expensive. Probably \$50,000-\$60,000 invested in him right now. Maybe more than that just in all the training and certifications he has. City Attorney Wantland: So we bring his scale up to competitive with our neighbors to the north and literally the taxpayers save \$60,000 invested in that man. Jose' Cubero: Incremental costs are what we're talking about by investing and keeping our turnover down we're not spending that money. That's money to the taxpayers. I think it's important when we're talking about investing and moving the City forward we're looking to make sure we keep everybody because again if we don't lose anybody then our tenured experience is going to be solid in both departments as well as it will be for Sewer, Public Works and obviously the City. So I think it's important that that's always thrown out there because you budget that money if you don't have the folks to work with you. Chief Troutman: And I can say that we're a little different than a lot of agencies here in the City because we do have our career staff, they are our paid 24 hour guys and then we do have our volunteers. And a lot of people forget sometimes that we can cut corners where other Departments can't cut corners because of the volunteers that we have to come out and serve the community and there are things we can do that other agencies here in the City can't do by using the volunteers. We have the live-in program here where we have young firefighters that actually live here at the Station. As far as the ISO ratings that I always preach about that lowers the insurance on the homeowners here in the City and the businesses here in the City, a live-in firefighter basically makes nothing, his room and board is they have to be here 40 hours a week, they have to pull two 24 hour shifts sometime that month with the duty staff; that's their room and board to do all that. On top of that our average live-in in a quarter, which is 3 months, probably makes between 80 – 115 runs which is outstanding. It saves the taxpayers a tremendous amount of money and when you get your ISO ratings those live-ins basically with their time they spend here at the Department are considered and counted as paid firefighters by ISO. It's a huge savings. We're a Class 4, one of the lowest Departments in the County. Dana Bischoff James: From a 4 to whatever the next number is, how much do we save from being a 4 to the next number on insurance per year? Chief Troutman: It depends on what type of property; it depends on your insurance company. Dana Bischoff James: Is there an average, a median? Chief Troutman: I could get that. I have a study. Gloria Taft: It's going to save every individual taxpayer money. Dana Bischoff James: I know but I was just trying to get what that is for the public. Chief Troutman: For having the fire service here in the City and with a Class 4 ISO rating, we probably save the taxpayers, and just to give you an idea on how this works, there are some people that live out on Beech Grove Road, just outside the City limits, that are actually 7 miles away from their fire service, that are less than 2-1/2 miles from our fire service, the people who live inside the City limits are Class 4 ISO rate, the people just outside the City limits are a Class 7. When we did our new mapping for the City in 2011 for the lawsuit it came out that some of these people don't live in the City anymore. So when the insurance services found out that our Fire Department wasn't covering them, their insurance either doubled or tripled; meaning that some of them went from paying \$700 a year in homeowners insurance to \$1400, to one couple went to \$2100 a year just because they are outside the 5 mile mark from their fire department. It's a huge savings being inside the City with a Class 4. Faith Portman: How many other vehicles do we own right now? Chief Troutman: As of right now we have the fire truck that we owe on and the one command car that we purchased last year to replace the one that was wrecked. But hopefully if we have the money in the budget this year we may be paying it off. Clinton Kline: How much do you owe on it? Chief Troutman: I'm not sure we're getting the payoff on it. It's going to be around \$15,000-\$16,000. Claude Middleton: I'm asking for a salt truck, salt box, grader blade, some mowers, weed eaters; we need mini bar lights to put on

the trucks to keep us from getting ran over, swings for the park, picnic tables, we need another tractor that has a bush hog behind it four wheel drive. Faith Portman: Did you want two salt spreaders; is that what you're asking for? Claude Middleton: For the other two salt trucks, they are 2005; the newest one we've got is a 2010 Ranger. The trucks are starting to get rust holes in the bed. We've been salting since 2005 and they just don't hold up. Faith Portman: You want a truck? Claude Middleton: Yes. We're looking at a Ford F-350. I need a plain cab, 8 foot bed and the bed has to be coated with the spray bed liner. The weed eaters are worn out. There is a lot of stuff we need for the Park too because we have a lot of vandalism. Faith Portman: You definitely need mowers and weed eaters. Claude Middleton: We got one Cheetah last year; we've got one we put a motor on, and the other two we run on crutches. Clinton Kline: I'd like to find the money in the budget to get him a boom mower. I think you all have seen the State Highway crews use the big boom telescoping hydraulic deal on the back of the tractor to mow tree lines along the roads. Jose' Cubero: I totally agree with that. I think we find that money. That's a good suggestion. Clinton Kline: I don't know if the current big tractor they have now would be big enough or the right one for it or if we need to look at getting a new tractor. Jose' Cubero: I think originally we were giving \$15 for it and we wanted \$45 so we need to find that \$30. Claude Middleton: It needs to be a four wheel drive, the one we have is a two wheel drive. Gloria Taft: I think we need to find it by June 30<sup>th</sup>. Claude Middleton: We also need cones and barricades that have disappeared over the years. Faith Portman: Did you say 4 picnic tables? Claude Middleton: The one's we're trying to get has the metal frame that goes around the bottom and it has the hard wood. Those are the ones that have lasted the longest. Jose' Cubero: Claude, I know we have some things in place and I don't know if we need a motion for this but we have a certain amount of money that we had originally budgeted, that number obviously goes from \$70,000 to \$100,000 in order to cover the piece of equipment that Clinton was talking about for you because that El Nopal situation and a couple other areas that you need that. Faith Portman: Shouldn't the State be doing that by El Nopal? Jose' Cubero: The State should but the State is not going to do it. Gloria Taft: A lot of people want to see our City become more beautiful. And we've got to get rid of these weeds first. Claude Middleton: The one Clinton is talking about, I've had the County come over in the past on Belair Drive, Forest Hill Road, and they go down and trim the trees on the sign of the road so you can see signs because they are blocked with branches. Jose' Cubero: Claude could you've mentioned a number of things and I know we had certain things that we had picked out in this proposal from the Mayor, we need to get the additional costs for the one piece of equipment; you listed some other things here, can you get a list of costs for those. We're going to change out the one piece of equipment, I think Clinton was right on that because as we talk about things that we want to try to do we're not going to be able to beautify the City and have everything done right way. I was talking to you about the Exit Ramps and that is a State issue but have you seen the State come by regularly and keep it clean and mowed? Faith Portman: I saw the City mowing it this morning. Jose' Cubero: That's right. We're at the mercy of when they are going to get it done but I don't want that because we have people coming in and out of our City. We would like it at least maintained. We want to make sure that all those exit ramps are kept clean so when people show up they say wow what a nice City. That's the first start. So until we have more money we've got to work on sidewalks; we've got infrastructure issues, but at least we can maintain it so let's give you the right equipment. I know you've got another employee but we'll look at what's going on in this first part of this budget and see if we can't get something else there because we want you to have what you need; we're asking a lot of you, you're fixing police cars when you're not doing weed eating so we need to make sure that if we give you the opportunity to get these areas because this is a snapshot of time where people come into our City. We're going to get a truck that works and runs. Claude Middleton: Two riding mowers if I can get them. Jose' Cubero: We've got that in there for you. I don't know what we've got to do but I agree with Clinton. Claude, let's get with Bob and find out exactly, Mayor, what's available in the funds. City Attorney Wantland: Can we have a motion tonight that Claude can buy two mowers and weed eaters because we are right in the middle, with as much rain as we've had. I can't make a motion. Faith Portman made motion to let Claude buy 2 mowers and 4 weed eaters. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1. Dana Bischoff James made motion to accept Mayor's proposal. Jose' Cubero 2<sup>nd</sup>. Jose' Cubero: We need to look to make sure he gets the money for the mower. Gloria Taft: I think we should wait and get a quote on the mower so that we can include it in here. It's got to be done this Fiscal Year. I think we should try to have it wrapped up this year that way it's clean cut. This year is done and over with. The money stays in this year we don't have to worry about carrying it over. Faith Portman: What was your motion? Dana Bischoff James: To accept it. Jose' Cubero: I 2<sup>nd</sup> the proposal. Faith Portman: All of it. Dana

Bischoff James: Yes. Jose' Cubero: Yes. Gloria Taft: But we're accepting it with a tractor that maybe we don't want to purchase. Clinton Kline: I think we ought to wait on this. Gloria Taft: You're trying to accept it as written. Mayor Ellis: The new tractor needs to be in here. I don't want to vote on any of it unless all of it gets voted on together. Dana Bischoff James: But that also leaves people without the things they need as well if we wait on that. I would rather push to boom back if that's the only thing holding this up. I would rather push that back and vote on what we have. Jose' Cubero: We've got carry over money to do that with; he's still going to get it. Dana Bischoff James: Yes he is still going to get it but I would rather accept it as is so that our people can get the tools and resources that they need. Bob Ryan: On the Chief on purchasing the police cars, he's working up against a deadline. Its close, in the next week or so. City Attorney Wantland: I'm asking and this is just for information for the Council. We have taken steps in the last year and a half to generate additional revenue through the insurance tax on insurance policies. For everybody here, the City resident is not paying any more tax whatsoever but I think because we have done the mapping with the Secretary of State's office, and I think we've corrected our maps, what I'm trying to do is see by additional more people paying rather paying 5% to the County I think the City might be getting 4% of that now where before we weren't getting any, I'd just like to know for the Council if we are actually getting any more revenue through the insurance tax than what we were getting in the past. Bob Ryan: There is. In comparing this year to day and last year you can see an increase in the insurance premium tax coming in. City Attorney Wantland: Do you have an estimate as far as percentage? The only reason I'm saying this is people need to hear that this Mayor's administration has been aggressively making sure that people are paying their proper tax where before this was going to the County Treasury now 80% of it is coming back to the City Treasury. It's making a difference. I keep saying Ms. Taylor has done an excellent job and we have pursued this. Brad Armstrong is here, he's working with my office. We have got those maps I think in really good condition compared to what Southeast says; I think we're good to go. But I think it's going to make a difference and it's one of those things that once you get this on board it doesn't stop. It's ongoing. And I'm looking at Mr. Kelly, you understand what I'm saying, is that your tax bill isn't going up but because we're working harder the amount of revenue we're generating is more. And that's a good thing. Bob Ryan: Last year, 2012-2013 the budget for insurance tax revenue \$550,000 and at this point \$483,000 has come in. So for this year with one more quarter to go in collection, the projected amount for the insurance premium tax is going to be exceeded by about 10%. Jose' Cubero: Bob we're looking at the proposal the Mayor's got out here I see we still have a lot left over. We obviously want to take care of Claude but in looking at the original proposal and then looking at the additional funds; to approve Claude getting that piece of equipment is something we do separate if it's not in this proposal. We leave the proposal as it is. We take care of everything else. We still have additional funds to go out and take care of the equipment Claude needs. And even the amount of money that he's been allocated in this proposal covers everything else he needs and we can still come up with another \$45,000 to take care of that piece of equipment. Gloria Taft: Where are you getting your numbers? You say \$45,000 plus what's in here. Jose' Cubero: Originally he was in here for \$70,000. We are going to take that one piece of equipment for \$15,000 and change it into what he really needs which is the \$45,000. That's what we need to do. We leave this alone; I think in looking at our budget and our proposal numbers here, we have the money to take care of what Claude needs. We can do that separately and make sure he gets that. Gloria Taft: He won't need the John Deere that's in here if he gets the other one. Jose' Cubero: I know we have a lot of things we agree on and there are obviously a couple things that people are concerned about but I think it we proposed it like this and we go with it we can come back and take care of him. We do need numbers for that though. We're making a commitment as a Council to make sure per Clinton's request you get that piece of equipment because he's right about some of the areas you have to go to, you can't do. Even though it is the State's responsibility but we know who is going to do it. That's going to be us. Mayor Ellis: We have a motion by Dana and a 2<sup>nd</sup> by Jose'. After additional discussion on police vehicles, Mayor Ellis called for a vote. Motion carried 3-2-1 absent.

**Daryl Lee:** Nothing to report.

**Duane Price:** Nothing to report.

**Sign in Speakers:** None

### **Department Reports:**

**Chief Puckett:** We had our second inspection from the Kentucky League of Cities Insurance Services. In 2009 we had 100%; we were one of six in the entire State that had 100%. This year we had 100% again and we're only one of 13 in the State that had 100%. That along with our Accreditation gives us discounts on the insurance and also helps, like Chief Troutman said it helps the citizens when you've got an accredited police department.

Mayor Ellis introduced Josh Edwards. He stated he was at the Sewer Plant and when we started looking at the MS4 position trying to take that load off Scott, he started training Josh and we sent Josh over to Public Works. He's hit the ground running and going to some classes so, Council, if you have any drainage issues Josh will be the one you get in touch with.

**Bob Ryan:** My door is always open. If you have any questions on Financial Statements. Ms. Portman we're always looking at ways to pay off the debt. And with the extra money we have retired a lot of debt. A lot of it you can't retire because the bond holders will not let you do it. They are making a little bit of money off of it. So they will not let you prepay some of that debt. I had a very nice experience this past week, a bill came in for a payment on one of the notes, it was around a \$250,000 payment and I remember two years ago when the City couldn't make that payment. They had to do some juggling. I had a little flashback to that time when money had to be moved around here and there, we wrote the check with no problem and still have money in the bank! Mayor Ellis: \$886,000 has been put in the Emergency Reserve since December 16<sup>th</sup>? Bob Ryan: Yes sir. City Attorney Wantland: You're paying a fire truck off, you've paid installment debt of \$250,000, the Chief is here, since they Mayor has been in office we're paid about \$300,000 on accrued employee benefit expenses. It doesn't take too long to realize since Mr. Ellis has been Mayor this City has reduced debt just on the City side over \$1 million. It's staggering what can be done when everybody puts their shoulder to it. So to the employees who work here, you've been a great asset and the taxpayer needs to say thanks to you too.

### **Council Reports:**

**Gloria Taft:** I wanted to say thanks to Claude and Josh. In my neighborhood we have a ditch line that has gone array and we have neighbors that their crawl spaces are being flooded and they were out there. They got right on it. We should have a resolution in the next couple weeks on whether the City has to do something or whether it's the Neighborhood Association or whether it's the people who live there. Whose responsibility it's going to be and I had a few people come to me wanting to see the City become more ascetically beautiful. Some flowers planted, maybe some shrubs and trees. And I think if we could get with some of our youth groups either in churches or Girl Scouts or Boy Scouts, ROTC, utilize their muscle, maybe the City or the Tourism Board could chip in with some funds to buy some flowers or shrubs and make our City presentable and enjoyable for people that are driving by. Faith Portman: I know Ridgeview Greenhouse donated a bunch of flowers a couple years ago. I'll take to them.

**Faith Portman:** As we all know housing is kind of back on the rise and I want to know who we have in charge of holding our developers responsible with the bonds. We need to make sure we keep an eye on that. We have all these messes we're cleaning up right now because of that. Who do have in charge of that? Mayor Ellis: Scott and I have met with several people on that as of late and we're holding them accountable for it. Joe sent out a letter to one the other day telling him to get in compliance. Faith Portman: Scott are you the one that we call on that and then Tammy holds them responsible. City Attorney Wantland: Tammy and Brenda. Brenda usually issues the building permit. Faith Portman: I just wanted to check on that to make sure since everything is back on the rise again. Scott and I have gone to a home at 612 Eastview Drive, he's not the only one there are several residents, when we went through and put the interceptor line in, I've got a letter where Flynn said to one resident that there was a misfire. Scott Fleming: They miscalculated. There was a bigger explosion that what they planned on. Faith Portman: When the guy came home he had big rocks on top his home. The only thing that man is really worried about is the tile in his driveway. When they blacktopped it at the end of his driveway they tore his tile completely up and it wasn't like that because I went down there and looked before. The people's before that wasn't either. They had fairly new tiles. Mayor Ellis: I drove down through there last week when it was raining and saw several

tiles that looked like something has ran over them. It was backed up in certain areas. I wanted to get with you on that and see. Faith Portman: There is also, Mr. Johnson who lives at 612, I've got pictures here. He has several cracks in his home and were after the fact blasts. Some of his around the home and the driveway and the garage and basically according to what they are saying they are not going to do anything about it. Jose' Cubero: Faith is there more homes in that same area that have the same problem? Faith Portman: There are several homes but a lot of people say they are not going to bother because we won't do anything about it anyway. I told them they don't know me very well, I'm going to stay on Flynn's butt until something is done. I want to also find out too if the bill has been paid on this project because really it shouldn't. They just finished up. We need to watch that on paying these bills before they finish the job because of problems like this. I just want Council to know that I've been working on this project. The Mayor asked to me to look into it. Faith Portman made motion to hold retainage on this contract until this is investigated concerning damage to these peoples' homes. Clinton Kline 2<sup>nd</sup>. Motion carried 5-0-1 absent. Scott Fleming: You actually have a couple residents over there that are requesting a pre and post survey; pictures and documentation. I haven't got them so you guys may want to pursue that to push it along to make sure we get that information. Faith Portman: They are actually telling the homeowners they don't have to give them the pictures, pre or post. And my personal opinion is if they are the homeowner it's their right to see them. Mayor Ellis: If they say they won't furnish them give me the addresses and I'll request them. Faith Portman: Most of you know the Mayor and I have been working on the gazebo in the park and I've talked to the Boy Scout and the Watkins' and they are going to donate all the material, except for the concrete. We should be able to get that donated. They are going to start working on it as soon as I can get them a list. They are going to work together.

**Dana Bischoff James:** I just want to say thank you to all the personnel. It's nice to see people out in the community I often run into; fire, police, sewer guys I don't see you quite as much but that's not really your arena. But it is nice to see people out in the public and any time you see Claude you must smile and also thank you to Tammy today because I had a few questions. I appreciate the professionalism.

**Jose' Cubero:** I had a very interesting phone call today from a constituent. We were just talking about the plan of the City. Maybe it's not something we've documents. We talk a big picture, attitude toward the City what we're going to do. My commitment was and one of the things I want to bring up again because we seem to have some of these arguments. I think most of us are well intended but one of the things I stated on the back of this pamphlet was to bring Shepherdsville into the 21<sup>st</sup> Century. That wasn't any disregard to anybody here but it was the attitude that what we didn't have to have our City ready to grow, to have the right staffing and all the different things we've talked out with the Police, Fire, Sewer. We've talked about Public Works. I think the attitude is maybe the Mayor and I we'll get together, Mr. Wantland had mentioned that we paid off \$1 million in debt. We've got \$800,000 in a Reserve Fund in case something happens to the City we're not borrowing money. Those are the kind of things that aren't going to get the big newspaper ads. Those are the kinds of things we do quietly to take care of everybody. I think it's important times like this we need to show that we're doing that. But we're also talking about aesthetically how we're going to take care of the City. All the little things that we're doing so we started out with taking care of our financials, now we're getting all of our Department Heads the tools and staff to take care of things. We want to grow our City and market it to people who say why live in Shepherdsville. Well we can do that because of the things we are talking about. We are talking about lowering insurance rates because we've got a good fire and police department. We've got an exceptional Sewer Department over here to take care of things so we can grow with. So we are in the 3<sup>rd</sup> Phase Mayor. We've taken care of getting some financial things in place. We're paying off some of our debt. We're getting our folks ready to go. And now we want to tell people we're open for business. Not only for business but to live here. That we're a good community. So we'll put something together. I thought it was a good comment by somebody today, that maybe we must need to make sure that everybody knows that we do have a plan up here. We're not just spending money because we like it. I'm pretty tight with my money at home and I wouldn't want to spend anybody else's money. But I know for a number of years we haven't had things to work with here and I think most of us sitting out there or sitting up here know that. We haven't had the things to work with and now we're getting those things and we're all trying to take care of things that Tom and Walt are working with us on as far as getting things in place so the City doesn't take a step backwards. I just want to make sure that you all know that. Maybe you do; maybe

you don't but I may be reiterating that every once in a while to let you know that we have well intentions up here even when we fight. But we do want to make sure we do the right thing here so I'm always going to reiterate that to you guys.

Mayor Ellis: I do have one thing before we leave. We had a passing of one of our former City employees last night. Vernon Clements passed away in his sleep. He worked at the Sewer Plant so keep the Clements' family in your prayers and thoughts over the next few days. Vernon was a heck of an asset for the Sewer Department. He helped Chuck run it and did a good job for us.

Clinton Kline made motion to adjourn. Gloria Taft 2<sup>nd</sup>. Motion carried 5-0-1 absent. Meeting adjourned at 8:42 p.m.

\_\_\_\_\_  
R. Scott Ellis III, Mayor

Attest: \_\_\_\_\_  
Tammy Richmond, City Clerk