

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, JUNE 10, 2013**

Brother Mike Miller, Family Day Ministries gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:34 p.m.

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

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 5/13//2013 regular meeting. Faith Portman made motion to dispense with reading. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 abstention.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 5/15//2013 special meeting. Jose' Cubero made motion to dispense with reading. Clinton Kline 2<sup>nd</sup>. Motion carried 5-0-1 abstention.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 5/20//2013 special meeting. Gloria Taft made motion to dispense with reading. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 abstention.

Mayor Ellis called for a motion to approve minutes as written from the 5/13/2013 regular meeting. Jose' Cubero made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 4-0-2 abstentions.

Mayor Ellis called for a motion to approve minutes as written from the 5/15/2013 special meeting. Gloria Taft made motion to approve. Jose' Cubero 2<sup>nd</sup>. Motion carried 4-0-2 abstentions.

Mayor Ellis called for a motion to approve minutes as written from the 5/20/2013 special meeting. Faith Portman made motion to approve. Jose' Cubero 2<sup>nd</sup>. Motion carried 4-0-2 abstentions.

Mayor Ellis announced that Councilwoman Faith Portman would like to make an announcement in place of the Mayor tonight. Faith Portman: I would like to ask Blake Meyers to stand up and come forward. Blake is with Boy Scout Troop 685 and he and the Watkins family restored the gazebo in Shepherdsville City Park with no taxpayer dollars; material, labor, everything was donated. I wanted to thank him, I have a gift for him and I'd also like to thank the Watkins family for their hard work. Faith presented him with a memento of the project. Blake Meyers: I would just like the City for allowing me to do this and thank the Watkins family for helping me by donating the material and getting it redone. Thank you. Faith Portman: It's not often we get something done for free, but it's nice. Mayor Ellis: Faith I want to thank you for helping out on that and overseeing that project. Thank you very much.

**Old Business:**

City Attorney Wantland had second reading and public hearing on Ordinance 013-(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. Mr. Wooldridge is here on behalf of Publishers. Mayor Ellis opened the floor for Council to ask any questions. There being no questions from the Council or public comment Faith Portman made motion to accept this rezoning. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0. John Wooldridge: I will tell you that we represent Publishers and we're looking at acquiring a little bit more property in the City of Shepherdsville and will probably be back for another request. They are expanding some of their packaging and it looks like they are going to be doing some hiring and it's all going to be done in the Shepherdsville area.

City Attorney Wantland had second reading and public hearing on Ordinance 013-(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. Mr. Clifford Ashburner is here on behalf of the applicant. Clifford Ashburner: Thank you Mr. Mayor and members of the Council. I brought courtesy copies of the public hearing booklet that we provided to the Planning Commission. I'll dispense with any surprises, we're going to ask you to follow the recommendation of the Planning Commission and approve the rezoning. I will be brief because I know you have a long Agenda tonight and just point you to the third of the large fold-out pages in your booklet. As was described in the reading this is a half-acre site directly adjacent to Frisch's. It's currently entirely paved; we're actually going to reduce the amount of impervious service there which should help somewhat with drainage. The access to this property will not be off of Adam Shepherd Parkway, it will be from a shared access easement that is shared with Frisch's. Also there won't be any more direct access to Adam Shepherd which should help traffic. There is also a photograph of a typical Valvoline Instant Oil Change. I'm sure you've seen these; a very attractive, nice looking business. We're attempting to use a lot that has been unutilized for quite a while and hope that you will follow the recommendation from the Planning Commission. Faith Portman made motion to accept. Dana Bischoff James 2<sup>nd</sup>. Motion carried 6-0.

City Attorney Wantland had second reading of Ordinance 013-(number to be assigned) closing strip of ground between 233 and 251 Fifth Street/Avenue. Mayor Ellis asked Public Works Superintendent Claude Middleton to come to the podium to answer any questions. Jose' Cubero made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis asked City Attorney Wantland to have second 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. Bernie Brown: This repeals those three old Ordinances and in place it puts another Ordinance or are you just repealing? Mayor Ellis: This repeals the three and you will have the first reading tonight and second reading on the 24<sup>th</sup> to bring in the new one. They are separate. City Attorney Wantland had second reading. Mayor Ellis opened the floor for discussion by the Council. Gloria Taft: Are we going to hold publication until we pass the new Ordinance? Dana Bischoff James: I would say that needs to be done. Gloria Taft: Because we can't go without civil service. Mayor Ellis: The folks that are on there already have civil service. Dana Bischoff James: I would still feel more comfortable not voting this out until we have the other Ordinance. City Attorney Wantland: Make a motion that you want to do a second reading on the other, and then take a vote on both. Mayor Ellis: Do you want to table this one? Dana Bischoff James: Yes. Gloria Taft made motion to table the vote on this until we have the second reading and vote on the other. Dana Bischoff James 2<sup>nd</sup>. Motion carried 6-0.

Bernie Brown: Before the next item I'd like to say something. The most important thing this Council can do in my opinion is to adopt an annual budget and I know just in the last few days there have been a couple things that have been necessary to make changes, rather minor, but I would like to wait until the next meeting to have the second reading and in the meantime, in fact I'll put that in a motion, and in the meantime I'd like to see a committee of Council people, Gloria Taft, Clinton Kline and Faith Portman on a Committee to take a good thorough look at both budgets, the general and the sewer budget and see if there are any other changes that might be necessary and then have the second reading on it two weeks from tonight. Mayor Ellis: We have a motion to hold off on the second reading. Clinton Kline 2<sup>nd</sup>. Motion failed 2-3-1 abstention. Faith Portman: So you want to table it; I think we need to talk about it a little bit before we do any of that. Mayor Ellis: I think we've had these budgets for a while now. Jose' Cubero: We've had the budgets, we've had the workshop. Faith Portman: I have a few questions. Mayor Ellis: We can answer any questions, yes. City Attorney Wantland: Point of order. We had a vote, Madam Clerk what was the result. City Clerk Richmond: 2 approve, 3 against, 1 abstention. Faith Portman: We can't do both of them at the same time anyway can we? We can only do one at a time. Are you doing this on both budgets Bernie?

Bernie Brown: Both budgets. Faith Portman: I've got questions about, I met with some of the employees and I've got some questions about the general budget. Bernie Brown: I still have some questions. Jose' Cubero: We have some questions that's fine but we actually had a workshop, we spent almost four hours working on that. We went line by line. Faith Portman: When I talked about having a workshop I'd like to have a workshop for each department, one at a time. I felt like we were rushed myself. Chuck and Scott had to run out of there so we really had to rush through theirs. So I went over and met with the two of them and talked to them. I haven't got to with the other departments yet. There are a few things even in theirs that I'm not happy about and I expressed this in our budget meeting. I don't understand why that's the only department paying for the lease on our building, \$120,000; to me that's a lot of money for a department to be paying out under administrative expense. I just don't understand why that department is the only one. I know that Bob has explained it but the paper is reflecting that they are paying but in reality the only one that is really paying in the Sewer Department, correct? Bob Ryan: The Sewer Department is paying an administrative fee. The Sewer Department does not have a separate department that takes care of their payroll, paying their bills, etc. etc. etc. So the City is in effect billing the Sewer Department an administrative fee. On your other question about the rent, that's an annual \$200,000 payment that at one time was divided three ways, a third to the fire department, a third to the police department and a third to admin. That to use an unethical accounting phrase, that's bogus. The Police Department has no funds to pay. Faith Portman: They have money coming in from a tow lot. Bob Ryan: The thing is it's all in one big pot. And even though they have this as an expense on their side, it was never picked up as a revenue item on the City side. It was only a one sided item and it never really balanced. You had an expense over here that the Fire Department, Police Department were incurring but on this side no revenue. That just doesn't make any sense. Anyhow, it's all paid out of the coffers of the City in general. It's the City itself that is responsible for the \$200,000 payment. Faith Portman: But we bill the Sewer Plant \$120,000? Mayor Ellis: That's not for rent. Faith Portman: That's what I was told. Mayor Ellis: That's for administrative fees. Faith Portman: So it doesn't go toward this building at all? Mayor Ellis: No. Bob Ryan: Everything that comes in whether you call it taxes, license fees, administrative fees, all revenues go into the General Fund unless they are revenues from a restricted fund. So you can say yes the \$120,000 administrative fee does help pay for the \$200,000 payment on the building but it also helps pay for the electricity, water, salaries, retirement, everything. It's not designated just for that. It's an administrative fee to take care of services that are legitimate and are incurred by the general fund on behalf of the water/sewer fund. Faith Portman: It went from \$66,000 to \$120,000. Bob Ryan: Again that is a meaningless number. Even though it was in there as a budgeted item no funds were ever transferred. No funds were ever taken out of water/sewer and transferred over to the General Fund. That number never ever should have been in your budget. City Attorney Wantland: Most municipalities who have proprietary funds do this type of allocation. Not only do they charge administrative fee to the proprietary fund for the services utilized by the City, and a way of looking at that is subsidizing the taxpayer. The taxpayer is actually paying for the City's services; the proprietary fund is one way. And then other communities actually surcharge the individual users of the service of the proprietary fund. In other words there will be a separate item on the water bill. Clinton Kline: Mr. Ryan you're saying the \$67,000 was never moved. Bob Ryan: No. Clinton Kline: Do you intend to move the \$120,000? Bob Ryan: Yes. Again the \$66,000 never should have been in any part of the budget because even though it was in there as an expense on one side it was never on the other side as revenue. The City never picked it up as revenue in that area no funds ever exchanged hands. Clinton Kline: So the City has gotten by without getting the \$67,000 payments from each department. We made the budget work and we've got \$120,000 that we want to put in the General Fund and take out of the Sewer Fund and we have these high sewer rates. Bob Ryan: This is a legitimate expense to the Sewer. If it wasn't for the City the Sewer Department would have to have their own personnel doing their billing, payroll, and everything else that goes with the ... Clinton Kline: I'm not arguing with that but we've survived without doing this with that you're saying it looks like there is \$120,000 there that we could alleviate from sewer bills. Faith Portman: Hasn't the City done billing and everything for all the other departments also? Mayor Ellis: No. Fire Department does their own billing, police department does their own. Jose' Cubero: It's paid out of the general fund to pay that. Faith Portman: I know I'm just trying to make a point here. Bob Ryan: The other departments operate under the one umbrella of the City. The Sewer isn't under that umbrella. The Sewer is its own entity outside. Faith Portman: I'm not attacking you or anybody else but sewer rates went up 66% and I'm going to harp on this until I've voted out of office that we're going to lower them. I'm going to harp on it and bend your ears and scream and holler all

I want and if that makes people unhappy I'm sorry. I'm here for the taxpayers they are the ones that put me in here and they are my boss and your boss. Bob Ryan: As I've said in meetings with you that if you're going to press for a reduction in your sewer rates then you need to approach Waste Management and ask them to reduce our rates because we're going to reduce our revenues; and ask Louisville to reduce their rates, personnel are you going to take the cut in pay because we're going to reduce our revenues. If you've got lower revenues coming in you're costs are still going to continue to go up. Bernie Brown: The bottom line is there are still questions about this and I'm not prepared to vote for adopting the annual budget here tonight. If the majority want to do it that's fine. I think it would be wise to take two more weeks and go over some things, resolve some questions and issues. Then have a second reading and vote. It doesn't make one iota of difference whether we pass the budget tonight or two weeks from tonight. Not a bit and I for one don't want to keep rushing into things without plenty of time to look into everything and investigate and think and get questions answered. There have been some things in the past done very hardly very rushingly and then we say we didn't know this, we didn't know that. That's all I've got to say. City Attorney Wantland: Councilman point of order was that a second motion? Bernie Brown: Yes that will be a second motion. City Attorney Wantland: Madam Clerk polled, the first motion failed 2-3-1. Do we have a second motion to table this for two weeks? Bernie Brown: Table it for two weeks and in the meantime we can get some questions answered and get some issues resolved to everybody's satisfaction. When I vote to adopt a budget I want to know that it's a good budget and I want to be able to answer any and every question. The most critical and important thing the Council can do is adopting an annual budget. Bob Ryan: May I speak? This budget has been in process ... Mayor Ellis: Just a minute Bob, I have a motion and need a second. Clinton Kline 2<sup>nd</sup>. Bob Ryan: This budget has been on the table for over a month. Ms. Taft has been to my office. I've talked with Ms. Portman. We had a meeting with Mr. Brown which in the process of the meeting you excused yourself. We've had other meetings; there have been discussions with other department heads, as Controller of the City that helped compile the budget my office has been pretty bare of anybody coming in and talking to me. I'm there 8:00 – 4:00 five days a week. If you postpone for two weeks it's going to be the same thing the next two weeks. Bernie Brown: Well why don't we wait and see. Faith Portman: I have another question Bob, when the Department Heads turn in their projected budget were they changed any way. Did you all move in around because I talked to some of them but not all of them. Bob Ryan: We started with the Department Heads, they have a better idea of what it takes to run water/sewer, fire, police and all that, so they compiled their list, basically their wish list. Then we sat down. I did the revenue side and said this is what we've got. And as Jose' commented he thought it was a rather conservative revenue side. Then we looked at revenue and what each department wanted then we started paring down, where can you cut? Faith Portman: Did the Council get to see that budget? Bob Ryan: No. Faith Portman: In years past they brought their bare budget to us and we chopped it before all the numbers were final. We're the ones that chopped it. I didn't even see some of their wish lists. Bob Ryan: What you saw was after they pared their budgets down to reasonable expense items that matched and paired up with what revenue the City had. Gloria Taft: This is why you didn't have to have four and five budget workshops. Faith Portman: I still think it's better to do one department at a time because we rushed through them so fast that I feel like we didn't get to hear what certain departments say what they would like to have. Claude never said that night what he would like to have. Gloria Taft: Right because he had already been through it with the Mayor. Faith Portman: I know but we're the Council, we're the ones that need to be making these decisions. What I'm asking is did I see his original budget, what he asked for or was things chopped before I got to see it. Mayor Ellis: Things were chopped and it was a balance budget when you got it. Faith Portman: I think that we should see what their wish lists are. Jose' Cubero: We saw their numbers originally and we saw the chopped numbers. Faith Portman: Number, yes but we didn't see their wish lists. Dana Bischoff James: I think their wish lists came from the Mayor. Mayor Ellis: That came from me. Faith Portman: I feel that the workshop needs to deal with each individual department and give them their time to sit down with the Council and the Mayor and say here's what I want. Bob Ryan: We did that. Faith Portman: With you all. Not with us. We got the budget after it was cleaned up. Bob Ryan: Exactly, when it made sense. When there were things in there that just really didn't fit because the revenue wouldn't cover it; the homework was done. Then the Council got the final budget to go over and we had the workshop. Bernie Brown: Mr. Ryan let me bring up this issue. I think the Council has a say on how money get appropriated. I think there are some things that I'm not seeing in this budget that I think is very important and I've mentioned some of them to you a week ago last Wednesday. Bob Ryan: And I acted upon your suggestion. Those changes were made.

Bernie Brown: Not all of them no. Bob Ryan: The changes were made in regard to MS4. Bernie Brown: This Council has every right to review and appropriate funds that are needed. This City is faced with very serious drainage issues and these are federally mandated issues. I've not seen anything really in this budget that I can say yeah we've got funds designated and appropriated to take care of some drainage issues. Bob Ryan: Immediately after leaving the meeting we had adjustments were made to salaries, for the individual that works for water/sewer that takes care of this, adjustments were made to various accounts pulling out and there is a line item on there called MS4. You asked for that and you were given that. So don't sit there and say there were no changes made to drainage. Bernie Brown: I know and didn't you say you were going to talk to Scott Fleming about the amount of money to put in that particular line item because I did talk with him afterwards and the figure he gave was more than what you had designated in the budget. Scott Fleming: The numbers that Bob has and the numbers you and I discussed are fairly close numbers. Bernie Brown: Yours was \$18,000 and what I saw in the budget is \$14,000. Scott Fleming: Yes, it's fairly close. Bernie Brown: I don't see anything being funded for drainage issues. This City has serious drainage issues. Mayor Ellis: If they are on private property they are not City issues that's actually the homeowner, if it's a City issue I think \$15,000 can cover some of those. The thing is it's not in the Sewer budget it's in the General Fund budget. Dana Bischoff James: I feel comfortable with the budgets personally. I met with department heads we had the worksheets, I feel like they are very closely to last year's budget numbers as well. More revenues are coming in but I do want to know with the concerns that are on the table right now with us waiting two weeks is there anything that we are going to come against if we do wait as far as anything that is going to fall through the cracks. Bob Ryan: We're going to have this same conversation two weeks from now. City Attorney Wantland: Madam Clerk there was a motion made to table the budget. City Clerk Richmond: There was a motion to table the budget for two weeks to get questions answered and issued resolved. Bernie made the motion, Clinton made the 2<sup>nd</sup>. Mayor Ellis asked for a vote on that motion. Motion failed 2-4-0. Mayor Ellis stated we will have the second readings and vote tonight.

City Attorney Wantland had second reading and public hearing on 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 asked for public comment. There was none. Jose' Cubero made motion to approve. Gloria Taft. Motion carries 4-2-0.

City Attorney Wantland had second reading and public hearing on 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 asked for public comment. There was none. Jose' Cubero made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 4-2-0.

### **New Business:**

City Attorney Wantland read MAP/LGEA budget numbers. Public hearing was held on the MAP/LGEA budget for FY 2013-2014. There was no public comment. Mayor Ellis stated this would be used for some blacktopping on roads. The main thing we definitely have to have out of here is going to be street signs. The Federal Government is mandating that street signs be changed to reflective signs. We have to change every street sign in the City to something reflective. Right now we have the maroon with grey writing on them that are non-reflective. Gloria Taft: Are we going to go green and white like almost everywhere else? Mayor Ellis: There are not many options to choose from. Chuck Keith: When I was at Public Works the State contacted me about that and they are saying they have to be green and white reflective. I'm not sure if that's changed or not. Mayor Ellis: Now they are saying green and white, brown and white, blue and white and white and black. City Clerk Richmond: We decided to go with the blue and white because green will be hidden by trees. Gloria Taft: I was wondering if we should go with the green in case they come back later on and say they have to be green and white and we have to do this again. Mayor Ellis stated it's not something that has to be voted on tonight. We'll have to make a decision after July 1<sup>st</sup> so just think about those colors and we'll go from there. Dana Bischoff James: What is the deadline that signs have to be changed over? Public Works Foreman Claude Middleton: By January 2015.

Jim Marcus was present to address the Council on request from Poe Companies to take over Saltwell Road from Blue Lick to the south property line. Mayor Ellis stated Claude has been out to look at it. Claude Middleton: I was out there last week and today taking pictures and it's not up to standards. Jim Marcus: What have we done wrong and it will be addressed immediately. I have a set of standards with me. It was never done right to begin with. We did core drillings about a month ago. I'm fairly new with the Company so I can in and tried to get all the information and tried to do everything as much as possible. Claude Middleton: What needs to be done is put slate down, have you read the Ordinance on how it's supposed to be done? I don't know who put the road in when they put the trailer park in. Jim Marcus: If it would please the Council can we meet in the back and you can continue with business. Mayor Ellis: Certainly. You and Claude can meet in the Council Chamber.

Mayor Ellis: City Attorney Wantland to discuss Transfer and Assignment between GFS Holding Inc. and GFS US Holding LLC. City Attorney Wantland: Gordon Food Service is a corporate citizen of our Community. We've worked with them for a number of years. Gordon Food Service is a privately held company, it's basically family members and what they family is doing is switching pockets on the indebtedness. It's a flow through transaction where the City issued the bonds and there were some other reasons for tax purposes but the holder of the bonds received the rent paid to the City by Gordon Food Service and this is an Assignment of those bonds from one portion of Gordon Food Service to another. The City has been asked to acknowledge that this is what has happened and I see no objection to doing that. Gloria Taft made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 6-0.

City Attorney Wantland asked for a motion to read the Sewer Use Ordinance by summary. Dana Bischoff James made motion. Jose' Cubero 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland had summary reading of Ordinance 013-(number to be assigned) new Sewer Use Ordinance.

City Attorney Wantland again I need a motion by the Council to read this by summary. Dana Bischoff James made motion. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0. Tom Rosselli: I'd like to point out something to you if you don't mind. I hope you've read it. This is a general draft and believe me when I say general. Attorney Joe Wantland will know exactly what I'm talking about and I have some problems with some areas here. I deliberately placed in here because I don't know what your policies and procedures manual is going to read. I'll give you an example, on page 14 examinations may consist of any one of the combinations of the following: written tests, selection interviews, assignment centers, physical fitness, medical examination, that kind of thing; you guys have to decide to use the word may or shall. Do you want every one that gets a job to have a physical examination? I know the police department has random drug tests. Mayor Ellis: That is city-wide. Tom Rosselli: Is that going to be in your new manual? Mayor Ellis: Yes. We're a drug free workplace. Tom Rosselli: Ok. There's only one other little problem that I wanted to bring up. It's a key position and I still have problems with this and I wanted you to study it. It's common sense I don't feel right about this but I want to bring it to your attention. The Treasurer should be excluded because she is a key position in the administration of the Mayor's inner circle; on page 6. I left the pre-requisites of the Chief of Police and all that because I didn't know what you guys wanted. I just put general stuff down there. Please take that seriously when you do that. It's really brief and if that's what you want that's fine with me. But there is a difference between may and shall. I don't feel comfortable with the Treasurer position. That's the only thing in the front I think we need to change. You may read it and have specific issues that you want addressed, it's easy to change. In my opinion its 99% right but there are little spots like that. This is to get us on the right track and that's what I want to do. I want to make perfectly clear that I want you to read this thing and shall and may are different and the treasurer is another issue. The other Commissioners on the Board feel the same way I do about the treasurer issue. City Attorney Wantland asked Mr. Rosselli to meet with him the Wednesday before the 24<sup>th</sup> and if the Council has any changes they can be incorporated into the body of the Ordinance so we can have a final draft before you. I think as Commissioner Rosselli indicated this is 99% done if not 100% and it is, again it may not be totally perfect but it's a tremendous step in the right direction. Tom Rosselli: I was going to get Walt here at the next meeting but if you want to do that that's fine. The reason I'm bringing that up to you is you know and I know that people go through loopholes about may and shall. City Attorney Wantland had first reading of Ordinance 013-(number to be assigned) adopting civil service for the employees of Shepherdsville.

Mayor Ellis: We have a couple items at the Sewer Plant that are no longer needed that we need to surplus; one is a Suntec UV light system and the Phoenix 1.5 meter sludge press. We have been asked by the Bullitt County Sanitation District for the sludge press and after doing research for that we can donate that to Bullitt County Sanitation District. Faith Portman made motion to surplus the Suntec UV light system and the Phoenix 1.5 meter sludge press. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: We now need a motion that having declared them surplus and having a need of a government agency existing and doing business in Bullitt County, Kentucky to serve the population that we transfer and donate the Phoenix 1.5 meter sludge press to the Bullitt County Sanitation District. Faith Portman made motion to donate Phoenix 1.5 meter sludge press to Bullitt County Sanitation District. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0. Mayor Ellis: The lights will be placed on Gov.Deals.

**Daryl Lee:** Nothing to report.

**Duane Price:** Nothing to report.

**Sign in Speakers:** None

#### **Department Reports:**

**Chief Troutman:** As everybody knows we were involved in an accident on May 27<sup>th</sup>. I would like to thank all the Council members and the Mayor for calling to check on the firefighters to make sure they were okay. I want to explain a little bit about the accident. We did an investigation on it and I want to give out the finding; what we came up with the driver of the apparatus was very well trained in driving the apparatus, he's had numerous courses in driving ladder trucks, engine companies, etc. What we've come up with is there is one thing that you cannot control as a driver of an apparatus or emergency services and if anybody has ever been in emergency services you're going to understand exactly what I'm talking about and if you haven't you may not. But when the tones go off for a fire run and it's actually a fire inside of a business here in the City or in a house or a rescue or something of that nature, that's a thing that's called adrenaline and you get a bit adrenaline dump as soon as that goes off to respond to that fire. The driver of that apparatus knowing that we were responding to a fire in Zappos; not knowing what type of fire it was beside it was one of the binders that we've made before, knowing we would have a fire when we got there, he had this adrenaline dump, he got tunnel vision and didn't realize exactly how fast he was running when he went down the ramp. We've estimate the speed between 40-45 mph when he tried to make the left hand turn onto Highway 480 off I-65 ramp. At that speed it was too fast to make that turn and the truck he was driving was a ladder truck, it's already top heavy, it's a single axle truck where most ladder trucks are dual axle, he had a lot of things built up against him that day and that's why the truck rolled over. There are other issues that I need to talk to the Council about tonight in Chambers for personnel issues on this accident. Faith Portman: I was asked by several people who did the report? Chief Troutman: Shepherdsville City Police did it. There were no other vehicles involved and normally on a single vehicle accident they usually work them. Faith Portman: My recommendation from now on would be to get the State to do it because it's drawing questions that our department investigated our department. Chief Troutman: I can assure everyone we're not hiding anything from you about this accident. City Attorney Wantland: I spoke to the Clerk earlier and no action needed tonight but something to think about we have actual cost coverage on this machine; it could be an expense, one that the Council may wish to look at, to talk about replacement cost insurance on more expensive equipment in the future. It is an expense but when you're talking about apparatus that costs ¾ of a million dollars new and you have it damaged. Many people do not have sufficient liability coverage to cover a loss such as an automobile accident striking a very expensive piece of equipment. It's something to think about but while the Chief is here if you have questions, but I think this truck new would be close to \$800,000 and the City may not wish to have that expense of replacement cost but it's something to think about over the next few weeks about how we wish to insure our equipment; because certain pieces of equipment are tremendously expensive.

**Scott Fleming:** I'd like to clarify something on the discussion Bernie and Bob had earlier about the MS4 money. Bernie is right to an extent that needs to be funded every year but what Bob has allocated this year is a start. I hope as this transitions from my position to Josh that year to year you guys continue to fund that

for drainage projects. Bernie is absolutely right the EPA is going to be coming down on everybody in the State so it's something we need to start funding as soon as possible.

### **Council Reports:**

**Gloria Taft:** A few days ago a resident came to me about a house on Beech Grove Road. The house is in severe disrepair and I got with the Mayor and we're working on trying to find out where there may be some litigation on that house and we're trying to find out where that lies so that we can get with the owner or Code Enforcement Officer and start trying to move on getting this house repaired or what steps we may need to take to alleviate the problem. I met with Claude and Josh about some drainage issues in Lakes of Dogwood subdivision between Reichmuth and Lakes Edge. The Mayor was out and looked at it. I've got to get with Joe Wantland to see what legal issues there may be trying to get some basements to hopefully not flood. I would like Mayor you to take a look at the balance of the August 2008 loan with KLC for the Police Department equipment. I would like this Council to look at if that loan is less than \$9000 at the next Council meeting to, if we can take the money out of the surplus to pay off that debt and get it out of the City's hair. That would be one less thing we're looking at. I believe it's going to be about \$8100 so I'd just like to take a look at getting rid of that if we can early instead of having to carry it over into next year's budget. I've had a lot of people take about our streets. One person mentioned that they thought Mt. Washington had a street sweeper. Mayor Ellis stated that's something we're looking at getting bids on to have someone come back and go that again. City Attorney Wantland: Mt. Washington had one but the cost of maintenance is such that you're better off leasing. Mayor Ellis: As far as the house at 400 I've got some calls in with some folks downtown to get some information on that and as soon as I hear on that I'll definitely pass it on to the Council so we know where we're going from here with the house at 400 Old Beech Grove. Gloria Taft: Maybe start talking about a plan of action for the emergency reserves. What constitutes an emergency? Who says when we have to dip into that? Who gets notified if we have to use it? Just to try to lay out some kind of a plan, generic at first, just so we have some guidelines to go on. City Attorney Wantland: Always remember that's your job as a Council person and your ability to control what a future council can do is extremely limited. You all are charged with the duty to determine an emergency almost of a case by case basis.

**Faith Portman:** I'd like to ask everyone to keep Duane Price's family in your prayers. Have we heard anything from Flynn about the properties on Eastview? Mayor Ellis: We're still waiting on the pictures from the second one. Faith Portman: Have we contacted them about the tiles in the driveway? Mayor Ellis: Yes I brought that up to them and it's just the simple fact to get them out there to do them. I'll call Jason tomorrow. Faith Portman: Have we found out if we paid that bill? I brought that up in the last meeting. I know we made a motion not to but if it's been paid. Mayor Ellis asked Bob Ryan if he had seen the last bill and stated he thinks they still have their release. Bob Ryan: There is still some to go. Faith Portman: There is a motion not to pay that until this matter is taken care of. How come we don't see City bills anymore? I know we approve the budget but we've always looked at the bills every month and voted on them. Shouldn't we see what we're spending and what we're spending it on. I know we get something saying how much we're spending but we're not seeing what we're buying or what we're spending it on. Bob Ryan: The money is being spent for the purpose that is was voted on in the previous budget. The lights are on, the bills are being paid. Clinton Kline: If you want to make a motion to make that policy I will gladly second that. Faith Portman: The reason I'm questioning this is because in the last administration none of this stuff was questioned and we ended up; the employees know how we ended up, we had a freeze on their pay, and this and that. If we don't know what's going on how do we question anything. Bob Ryan: Come in to my office and ask. Faith Portman made motion that council receive a monthly report on all bills paid and all checks written every month. Clinton Kline 2<sup>nd</sup>. Faith Portman: We should see that. We've done that for years and it's just better that we know what. Motion carried 5-0-1. Bob Ryan: If you look in your packet you will see it. There are financial statements in there by department in detail. Faith Portman: Time clocks; are we still talking about that. Mayor Ellis: We've looked at them; if you guys want them we'll order them. Faith Portman: I think we need to look at them. Mayor Ellis: I know it was discussed under the previous Council but I hadn't heard any discussion under this one. Mayor Ellis asked Claude Middleton's opinion. Claude Middleton: I don't think so. Faith Portman: You don't think you'll be able to keep up with who is here that day or whether they come in an hour late. Claude Middleton: I only have 5-1/2 people so it's not that hard to



keep up with. Scott Fleming: We think what we're doing now is working. Dana Bischoff James: I'd like to sit down and talk with each department. Gloria Taft: If we are going to do it for one we need to do it for all. Chief Troutman: We don't have time clocks. Chief Puckett: If we had time clocks it would cost a lot more. Faith Portman: I know with you all you do roll call. But it wouldn't cost the City more actually in some areas we would probably find some money.

**Dana Bischoff James:** Thank you to everybody who is doing a great job in the City. Each department just continue to hold accountability.

**Jose' Cubero:** I just want to follow up with Chuck and Scott about getting things ordered. Chuck Keith: We've got two bids on the dump pad, we're waiting for a third one. Our actuators for our return pumps are being put in now. We fixed the UV lights in-house and saved like \$50,000. Jose' Cubero: I think most people don't understand the magnitude of what's going on there. It's like no news is good news. But I think it's important talking about pro-active; talking about the fund, that's part of the budget. All I want to say is for the budgetary process I agree with Faith that you guys know what you're doing; each department should be coming to us. Obviously we can change up the logistics of meeting a little bit more but we depend on you. We pay you accordingly to take care of these budgets and make sure you do the right thing by the City. I think your budgets-we went through those line by line and I think you guys did a good job. I know workman's comp and health insurance all that went up, if you look at the difference in the budgets; looking at the revenue numbers and looking at that, those are the two significant impacts and we don't control those. Those are things we are going to have to continue to contend with every budget process by I think as long as you guys come to us with what you need; Claude as you continue to do things you need, we're going to keep doing that like we did with the money we had allocated. We'll do the same thing, January we'll come back again. I'd like to believe that the way the City of growing that we're going to have money again to do some more things to take a look at what we need for the City at that point. I think it's important for people to understand that we're wanting this that and the other; you want to clean streets, it costs money to do that. And I think it's important as long as we spend that money wisely and we take care of what you need and what the City needs I think we'll be in good shape. I just appreciate everybody's help and Bob I'm going to tell you, you did a great job on the budgetary process and I appreciate what you did. I know it's not an easy thing to do and since you're the guy who puts numbers together I want to come to you. But I just want to tell you thank you for all your hard work. Chuck Keith: Usually an inch of rain really messes with us at the Plant. We didn't even know it this time with the repairs that have been made on the lines, manholes, which is a good thing. I just wanted to make you aware of that. Jose' Cubero: The only other thing I wanted to throw out for Chuck and Scott, your budget was very proactive to what could happen and what needs to happen. You've got reserve money out there that you budgeted. That is a smart thing to do because I know it was very unpopular what happened with the sewer rates. I get that. But I think what you guys did in your budgets you did the kind of things that are going to avoid some of that in the future. So hopefully everything we're getting done now we've got EPA where we need to have our standards in place. What you're doing on your reserve fund is going to help if anything comes up because that's the problem that most people don't see until something happens then it becomes an impact on the taxpayers. Chuck Keith: David Abell from KIPDA came out. We want to put a five foot concrete tile from Blue Lick to the River. I showed him everything that it would affect and he's trying to get us money that we don't have to pay back for that to get put in. He has three different places he thinks he can get the money. He's going to come back and bring a couple guys with him. He wanted to see the wetlands; all the area that five foot tile would affect; gave him a tour through our new plant which kind of amazed him. He wasn't aware of what goes on in a Sewer Plant like a lot of people aren't. But that's the kind of stuff we're doing to try to make things better.

**Bernie Brown:** The only thing I want to mention is there is still an issue of some property that got damaged down on Lakeview Gardens. Mayor Ellis: We will talk about that in Executive Session.

Mayor Ellis asked for a motion to adjourn to Executive Session to discuss personnel and we'll ask Chief Troutman to come in on that; and possible litigation and we'll ask Chuck and Scott to come in on that one. Faith Portman: Gloria brought up a good point earlier about the home over on Beech Grove Road being abandoned. The Ordinance that Louisville adopted I think we really need to look at it and make it our own. I

would like to meet with Gloria and possible contact the Council members from Louisville and talking with them about what's involved in that Ordinance and see if it couldn't be something that we could do. City Attorney Wantland: It's something you can do. Faith Portman: You said it was going to cost money but I can't understand how it's going to cost us money when we're not going to be going in a repairing the homes. City Attorney Wantland: Louisville Metro is actually repairing the homes and putting plywood in the doors and windows and cutting the grass and disconnecting utilities. Faith Portman: But they are charging the mortgage companies and banks. City Attorney Wantland: They are charging all kinds of people but many times the value of the property does not stand good for the services rendered and it is an expense. We can go down that road. Faith Portman: We can look at it and maybe tweak it to our own. City Attorney Wantland: Do not go in to a program like that thinking it's not going to have an expense. Faith Portman: Right now we have an expense because Claude had to come to my street a couple weeks ago and mow a lawn where the people just walked out of the house. City Attorney Wantland: And those people didn't pay the property tax, mortgages, water bill, electric bill, trash bill. They didn't pay anybody.

Clinton Kline made motion to go into Executive Session. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0.

Jose' Cubero made motion to return to Regular Session. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: The Council met in Executive Session and authorized the Mayor to negotiate with the carrier concerning the damage done to a fire truck. The Mayor has some parameters but he will act accordingly. The Fire Chief has been authorized to negotiate and bring back to the Council potential purchase of substitute equipment. I'm not going to mention the identify or vendor of that equipment but the Chief has given a proposal and the Council is favorable with that but he is to bring it back to the Council within the parameters of the proposed new equipment.

Jose' Cubero made motion to adjourn. Faith Portman 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 8:52 p.m.

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R. Scott Ellis III, Mayor

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