

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, AUGUST 12, 2013**

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

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

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 7/22/2013 regular meeting. Faith Portman made motion to dispense with reading. Jose' Cubero 2nd. Motion carried 6-0.

Mayor Ellis called for a motion to approve minutes as written from the 7/22/2013 regular meeting. Gloria Taft made motion to approve. Faith Portman 2nd. Motion carried 6-0.

Mayor Ellis had no announcements but stated we were going to change things up from what the Agenda has listed. He stated we have a lot of sign in speakers that are here for a proposed apartment complex so we're going to start with those sign in speakers at this time then we'll move on with the Agenda.

Bill Ryan: I'm a member of Bullitt Lodge #155 Free and Accepted Masons. We own the property and building adjacent to the property that is being considered for the construction of the apartments. The following is a list of concerns that were discussed at our last meeting. The proposed use is not suitable and not compatible with the existing dwellings and structures; the additional traffic on the local streets would be of concern to current residents of the neighborhood; the amount of surface drainage caused by additional pavement and construction; we're afraid that the apartments could lower property values of the existing neighborhood and future security of the local neighborhood. We have requests that if the construction is approved that the Federal regulations dealing with surface drainage would apply. We would request that an 8' brick privacy fence be constructed between adjacent properties, and that construction is limited to a one story brick veneer building. There are some areas in the City supporting such apartments and we feel that this is not the type of construction or residents that would fit into the neighborhood that is already existing there and the additional water runoff and traffic problems would add much to that already congested area. So we ask that you deny the request. Thank you.

Jim Smothers: Mr. Mayor, Honorable Councilmen and ladies, my name is Jim Smothers; I reside as 115 Seneca Court. It's part of the plat of which the proposed development of apartments is being proposed to be built on and I have had occasion to review paperwork that the Lazy River North Inc. has in its possession as well as I spent a lot of time at the Court House doing a lot of record reviewing. And I'm of the opinion from what I read and by no means am I an attorney, that there are some possibly missed zoning in that or maybe no zoning at all. I don't know which way it goes. But I would like to say that I do believe that allowing apartments to be built on that would decrease the value of the property of all the people in and around that area. It's not consistent with the dwellings that are erected in that area. And we would ask that you take great consideration and watch after us as the taxpayers we are in that area. I would also ask that this Council and you Mr. Mayor in the future possibly look at adopting some measures that might help with the Planning and Zoning Commission and the people in the building of apartments. Of course again I'm of the opinion that anything west of 61 on 44 all the way to the River, Floyds Fork, possibly not have any apartments on it; that it remain residential as it is and like commercial with the buildings and the businesses that we have because that's consistent with what is in the area. I do think that we've done a good job in this City as best we have with the tools we've had to work with and so I just ask you to consider that for our sake. Thank you.

Roschelle DeVaux: Mr. Mayor, Honorable Councilman & Women, my name is Roschelle DeVaux and I reside at 141 Shawnee Court in the area where the proposed apartment complex wants to go up. I would

like you guys to take into consideration the neighborhood. There are a lot of elderly that live back there. There are a lot of families that have children that live back there. We have a daycare center that brings in a lot of traffic. There are a lot of kids that like to go out and play in that neighborhood. I have a niece that is 13. She walks to her bus stop every morning and every afternoon and having a proposed apartment complex out there in that neighborhood would not benefit our area. I want to retire in this neighborhood from the Military and if you have that apartment complex out there that's going to depreciate the value of my property and all of my neighbors that live out there. So if you would take that into consideration and deny that proposal.

Mary Katherine Gaston: I've been living out here for almost ten years now and also ran a business over on Buckman Street. We had 48 apartments over on Buckman and Highway 44 and I didn't know that until we built the apartments that they don't do anything for the neighborhood. They don't improve it and they bring more trouble than good. Thank you.

James Hatfield: Mr. Mayor, City Council, my name is James Hatfield; I live at 854 Arrowhead Lane. I'm very much opposed to your consideration of apartments for that parcel of property off of High School Drive for most of the reasons that have already been mentioned. I won't belabor you with going over those again; other than the traffic situation. As we all know 44 is a parking lot at least twice a day especially when school is in session. The only other thing that I would like to bring up is I don't think that apartments in that property are keeping in line with the Comprehensive Plan of Bullitt County and especially the City. If you take the quadrant of land from 61 West as a boundary, Floyds Fork to the East, Salt River to the South, and I65 to the North, I can only think of one group of apartments that's in that entire quadrant. And I don't think we need another bunch of apartments right in the middle of single family dwellings. Thank you for your time.

Mike Brady: We don't want apartments in our neighborhood. It's real simple. Build us a small park for the children just a small park there, we don't want apartments in our neighborhood. That's all I've got to say.

Lindsey Wolff: Hello Mayor and Councilmen. 328 High School Drive is located across the street from my home. We recently found out of the plans for a 20 unit apartment complex. I have called Settlers Gap home for 22 years, first as my childhood home and now my husband and I have started our own family. Our streets are already busy as the number of single resident homes has increased. There are multifamily dwellings in Settlers Gap currently however the land is sold underneath those properties so those homeowners invested in their own properties. I first found out about this complex after an offer on my home was withdrawn because of these discussions. I hope you can see how this is going to negatively affect our home values as well as our community. I contacted City Hall to inquire about the current zoning and after several days I was told it had been zoned that way, R-3, in 1977. It was almost a decade before Settlers Gap was founded. I doubt Mr. Stiglitz who proposed the R-3 zoning intended for an apartment complex to be in the middle of a quiet subdivision as well as two high schools. I made an inquiry to find the meeting minutes where this vote took place as well as any City Ordinances to back this vote change. I ask you today have these documents been located? City Clerk Richmond: There are no Ordinances; I have the meeting minutes right here. It wasn't passed by Ordinance. Ms. Wolff: My understanding, does a City Ordinance have to back any vote changes? Doesn't there have to be a City Ordinance on file? City Clerk Richmond: I don't know why they did what they did in 1977. But I would think so. Ms. Wolff: Therefore that would call for a vote on this property. Therefore you see our community is very much not happy about this apartment complex. Bernie Brown: That was before the Joint Planning Commission was established wasn't it? City Attorney Wantland: No it was not. Ms. Wolff: So there should be a City Ordinance to back this? City Attorney Wantland: They should have passed an Ordinance to that effect. Ms. Wolff: Therefore that zoning, in my opinion, I'm not a lawyer, I don't know the legal aspects of that, but if there is supposed to be a City Ordinance, and there isn't one, should we not try to get a City Ordinance to block this? Mayor Ellis: It doesn't need a City Ordinance to block it in my opinion, it just has to go back to Planning and Zoning to have it voted on then it comes back to the Council for final approval. Dana Bischoff James: If there is an Ordinance will that prevent further future issues that this subdivision might have if we do set an Ordinance? City Attorney Wantland: There are irregularities that took place in 1977. It may be well advised to start from the beginning which would be at the Planning Commission. Faith Portman: I say it needs to go back to

Planning and Zoning and then come to us. City Attorney Wantland: I will do the pleasure of the Council but it's just one of those ones. Faith Portman made motion that we send this back to Planning and Zoning. Jose' Cubero 2nd. Bernie Brown: Counsel, can that be done that way? I think that depends. Dana Bischoff James: Is there anything we can do now to help? City Attorney Wantland: We're comfortable that there was no Ordinance. Mayor Ellis: Nobody can find it at Planning and Zoning. City Attorney Wantland: The minutes show that there was not an Ordinance procedure done. Bernie Brown: I think the Joint Commission wasn't formed in 1977. Mrs. Wolff: The documentation that I was given or told about just said on Highway 44 East, there was no address. Clinton Kline: How many other zoning changes were made in 1977 that there were Ordinances passed on was that standard protocol? City Attorney Wantland: That should have been standard protocol. What was done or how it was done I do not know. But it's very obvious as to this one it appears from the minutes that we observe they did not advertise, there is no publication; it doesn't appear there were two readings, just one reading. Faith Portman: I went through the Ordinances with Brenda and there were other Ordinances in the book but there was no Ordinance for this piece of property. Bernie Brown: There was something published in 1977 saying that it was zoned R-3. I just found that out this afternoon. City Attorney Wantland: This is for the Planning Commission. Then the City should have given notice of a public hearing for the zoning map amendment. Councilman Kline I think you are absolutely correct and I wish we could find that but up to now we have not. Mayor Ellis: I think the only safe thing to do is to send it back and have it revoted on then it comes to us. If there is no record here it never happened. City Attorney Wantland: It appears that they had a meeting, no publication and they voted 4-2 to accept the recommendation of the Planning Commission. City Clerk Richmond: The minutes are vague as it says Highway 44 East. Mayor Ellis: This isn't Highway 44 East that would be rezoned; it's going to be Arrowhead Drive or High School Drive that would be rezoned, not Highway 44 East. Jose' Cubero: Because of the lack of correct documentation we need to make sure that we go through the protocol of getting it sent back to Planning and Zoning and let it come back to us and that's when we'll decide. Dana Bischoff James: Mr. Wantland is there anything we can do today to ease the minds of the people? City Attorney Wantland: Just a directive to the Clerk not to issue a building permit until this matter is resolved. Its obvious there is going to be litigation one way or the other. Bernie Brown: We still have some other speakers. I don't know who all is going to speak. I don't know if any Attorneys are going to speak. I think it would be good to hear what everybody else has to say too. Mayor Ellis: We do have a motion and second on the table at this point in time. We can still hear the people speak and call for the vote after. Mrs. Wolff: May I ask you a few more questions. Mayor Ellis: Go ahead. Mrs. Wolff: Do you think this type of complex fits into the surrounding area between our quiet neighborhood and two high schools. City Attorney Wantland: Ms. Wolff refrain from questions. I would ask the Council not to respond. Just make statements. Mrs. Wolff: That was a rhetorical question. The only complex I can envision in our neighborhood is the complex across from KOA where there has been a very sharp increase in criminal activity that I do not welcome into my neighborhood. One last question, which would be rhetorical, would you be okay with this being developed in your neighborhoods Councilmembers as well as Mayor Ellis? Thank you.

Eric Farris: Good evening Mr. Mayor, ladies and gentlemen of the Council, Mr. Wantland, Madam Clerk. Thank you for the opportunity to speak. I'll be brief. We've got some far better speakers than me that you've heard from already. I represent Lazy River North in relation to the apartments and we also are in opposition to any construction permits at this point. I'll be the first in the nature of my work to say that people have the right to do with their property as they can subject to the law; but in this case it does appear and I have outlined this in a letter to the Mayor that I delivered today, and emailed a copy to Mr. Wantland, that we have concern that the absence of an Ordinance and the potential which has not been fully researched yet that this property may even be subject to the restrictions of Settlers Gap subdivision raise questions in our minds as to the propriety of R-3 multifamily apartments at this location. I applaud the efforts that are on the floor right now to send this back to Planning and Zoning. I think it would clear the record for everyone and give all those interested an opportunity to speak, the ability to do so at, if perhaps the motion, if I may suggest to be so bold as to suggest the motion include a postpone any action on the permits pending a rezoning application for that property and then we'll all know where we stand after the opportunity to be heard. Thank you very much for this opportunity on behalf of Lazy River and all those that has sold to in reliance upon the history of this particular 1.18 acre lot. I'll be happy to answer any questions. City Attorney Wantland: Mr. Farris in your research you haven't come across anything that the Clerk hasn't described that

there is no ordinance to substantiate this. Mr. Farris: No and our thanks to Tammy and staff for their help and we also looked at Planning and Zoning. There are some records of efforts being made but there is, as you talked about, Joe, there are no advertisements indicated; there is no Ordinance. There is no proper description of any property in an R-3. We don't even know if there was any rezoning, there is no description as to where it lies. City Attorney Wantland: What the R-2 was or the R-3 was. Mr. Farris: Right. That's the extent of it and that's not enough to withstand as you would probably agree. Bernie Brown: Has the school board ever, to your knowledge, been interested in that property? Mr. Farris: To my knowledge they have not acted. In my role of wearing that that, I have brought this to their attention but I'm not here on their behalf, they have not resolved to take any action one way or the other. But they are aware of what's going on and I'm not aware of what plans they would have if any for that property if it were marketed to them. City Attorney Wantland: One of the problems we're having Mr. Farris is trying to determine what was done because it refers to 44 and you really don't get a legal description and there are several tracts that are attempted to being rezoned at the same time. Mr. Farris: The only description as I see is of the whole tract of the B-1 tract and of the open area tract. Those are the only parts that Planning and Zoning has any record of a clear description of. It doesn't help us with the R-2 or R-3 questions.

Jose' Cubero: I'd like to make a motion to amend our motion to include postponing any building permits. Mayor Ellis: You have to rescind your second. Jose' Cubero: I rescind my second. Mayor Ellis: Faith, you have to rescind your motion. Faith Portman: I rescind my motion and make a motion that we send this back to Planning and Zoning and to postpone any permits. City Attorney Wantland: You're sending it back to the Planning Commission so that body can determine if an R-3 zoning description was given and then we can proceed to advertise it properly and then proceed. But if there is no description of the properties, then I think the property owner is going to have to start over. This is a difficult call. Jose' Cubero 2nd. Mayor Ellis: We'll hear the rest of the speakers at this time.

Victor Wood: Thank you for the opportunity. My name is Victor Wood. I live at 444 Arrowhead Lane. I've lived there 19 years with my wife. From what I understand the proposed apartment complex is going to be directly in my front yard and the driveway is going to be coming right into our driveway. I'm not going to belabor the point because everybody before me has spoken eloquently about it and intelligently about why we do not want this in our neighborhood. But I would just like to say that if you would just reflect back to your beautiful invocation and you want to do what is best interest of your constituents, we would ask you that you would please consider that because we are your constituents and we live in this neighborhood. Thank you so much.

City Attorney Wantland: Does anybody in the audience tonight have anything different than what we're talking about; that there was an advertisement, there was a description? That's what I'm looking for. Maybe someone could augment/add something to them because our records don't show enough to do much of anything. Does anybody have something to say different that hasn't already been said up to now? (There were no comments from the audience.) Faith Portman: I call for a vote. Does anybody else want to speak or you want us to go ahead and vote. Several comments from audience wanted to go ahead and vote. Bernie Brown: Is that all the sign in speakers? Mayor Ellis: There are more sign in speakers.

Charles Hodges: I'll make it short and sweet because I think you all have heard from everybody in here on the same deal and like the gentleman here on my left we just don't want the apartments in the location. About the only thing that I would add to it other than the traffic being a real major problem getting out of 44 I haven't heard anybody bring it up, maybe they did and I missed it, but, we have a lot of young men and women from Bullitt Central that come over and runs in our neighborhood. I'm assuming the track team and maybe the soccer team. I really don't think we need more cars over there to interfere with all them. So for the safety part of them I don't think we need it. Thank you.

Denise Arnold: I'm here on behalf of the Nazarene Daycare and I represent our parents. We already have a major issue with the traffic and speeders down our street that we have a pretty good problem still trying to control it. And we feel with that added traffic down in front of the daycare on Maple Street will be very dangerous for our families and I would love for you to take that into consideration.

Mayor Ellis asked if there was anyone else that would like to speak in favor or opposition. (There were no other speakers.) At this time I have a motion and a second on the table; at this time I'll call for a vote. Motion carried 6-0.

Old Business:

City Attorney Wantland had second and public hearing reading on Ordinance 013-(number to be assigned) rezoning 1.701 acres, more or less, from B-2 Central Business to B-1 Highway Business requested by Matthew Ray Myers for property located at 699 N Buckman St. He stated a copy of the recommendation was attached and it's recommended to be approved. Mayor Ellis asked if anyone was present to speak in favor or opposition to this rezoning. John Wooldridge was present representing Matthew Myers and stated if the Council had any questions he would be happy to answer them. Faith Portman: Is this going to be automobile sales? Mr. Wooldridge: What they are going to do is he sells the recreational vehicles and at this point the property lies all the way over to Big O and they are going to build a garage that will be a permanent building that will be used to repair basically recreational vehicles and motor homes. Right now, I spoke with the representatives of Big O; they are going to use part of this property as it's developed to put extra parking for their facility there. Faith Portman: Is this the same owner? Mr. Wooldridge: No. Mr. Myers bought the property from a gentleman in Bardstown and he owns from what used to be Rusty Mulvaney's from Fischer all the way down to Big O. It used to be the Checker Gas Station I think years and years ago. There is no permanent structure on it at the time. They are not envisioning doing much with that site right now but they have no place to actually work on vehicles that they sell. That's the basic purpose on it. City Attorney Wantland: That would be my question for the Council. There is a temporary office building on the site. Mr. Wooldridge: That is the only permanent structure. The gas station itself was torn down and the tanks were pulled out years back. City Attorney Wantland: When do they anticipate a permanent structure for an office building? Mr. Wooldridge: They will not put a permanent on until they have approval as your well aware, if you go down when it rains hard all that is low and they have to get a permit and they are in the process of getting permission to fill that site so that it will be up equal to the site. They are probably 15-18 months away before they can actually build. City Attorney Wantland: I just want the Council to be aware that that would be problematic and it's going to take time to have that structure removed. Mr. Wooldridge: It is. It's not something you're going to see overnight because of that. The site has to be filled and before you can fill it you have to have the State approval and they are working on it at this point. The actual site even though the Comprehensive Plan says suburban-residential, that site has been commercial for 40+ years. Nothing from Blue Lick down all the way out really is suburban-residential until you get to Richard Miles' subdivision. It's pretty much commercial on both sides of the road at this point. We are I believe with what should be there not how the Comprehensive Plan has that. We actually are bringing it into compliance. If the Plan called for it to be residential that's incorrect. It should be B-1. The B-1 is better than a B-2 because of the setbacks it will have and you're aware, the State has already come through and taken the right of way so when we build we will not be hindering the acquisition or the building of 61 as it comes through town. Faith Portman made motion that we accept it. Clinton Kline 2nd. Motion carried 6-0.

Mayor Ellis: We'll further discuss the surplus vehicles that are no longer running over at the farm. Chuck, Scott were we able to determine which department they belong too. Chuck Keith: Only one of them is really Sewer, they rest are Public Works. Mayor Ellis: Do you know which one is Sewer: Scott Fleming: The one that's the Sewer truck we're actually keeping, we took it off the list. Mayor Ellis: So we have a 1994, two 1995s and a GMC dump truck. Once we get these surplus we'll put them out on Gov.deals and get rid of them. Clinton Kline made motion to surplus vehicles. Gloria Taft 2nd. Motion carried 6-0.

Mayor Ellis: At the last meeting we had a request from Councilman Brown to look at compensation for the Ethics Board and Civil Service Commission. I'm going to open the floor up for discussion with the Council at this time to see what thoughts everybody has had and I'll tell you my thoughts after we discuss this a little bit. Bernie Brown: I haven't heard of any discussion. Mayor Ellis: I'm opening the floor up to see what kind of brainstorm anybody has had. Dana Bischoff James: I definitely feel like they should be compensated especially since their meetings are much more frequent than what they were in the beginning. I don't think they will be compensated near what Tom Rosselli has put in as far as his time, his work and his effort. I know he's not here tonight but I did speak with him today and seeing Tom's character and I've watched him

work from a different arena and he will always be the one who puts in above and beyond. He is always above reproach in his work ethic. As far as doing a flat rate or a by meeting rate, I think whatever is done it needs to be fair. Mayor Ellis: I think you have to do a rate based on the meetings that they attend. I know that we had read J-Town's and theirs was \$25.00 per meeting. That's where I'm at with it. I think we do it as a reimbursement per meeting to pay them for their time that they came out. What that magic number is I don't know. Jose' Cubero: That's the question. We obviously seen everybody's efforts on the project that they've been working on, especially Tom, but what is that number. I think most of us are in agreement of supporting these folks but we don't need to make it ridiculous but obviously it's just a gesture. It really becomes more of a gesture and more of appreciation in a small monetary way. Faith Portman: Have we looked at other cities to see what they pay? Mayor Ellis: I've not had much luck. The closest one I've found has been J-Town and theirs is \$25.00 per meeting. Clinton Kline made motion to pay them \$25.00 per meeting. Jose' Cubero 2nd. City Attorney Wantland: That's for the Ethics Board and Civil Service Commission. Mayor Ellis: Yes. That will be for those people when they have their meetings. The Ethics Board is required to have two meetings a year, one in January and one in July and of course if anybody breaks the rules they'll have meetings based on that. Civil Service is going to have mandatory meetings once a month and if anybody is disciplined or terminated then they will have meetings based on that. I do have a motion for \$25.00 per meeting and I have a 2nd. Any other questions from the Council. There were none. Vote taken at this time, motion carried 6-0.

New Business:

Mayor Ellis: We have a new member of the Ethics Board tonight that I would like to present to the Council and ask you to vote on bringing him on board. Ralph Lawson's term expired July of this year so at that point in time we're moving Jamie Weck to the Chair spot and I would like to have the Council vote Corky Miller into that spot on the Ethics Board. Faith Portman made motion to appoint Corky Miller to the Ethics Board. Jose' Cubero 2nd. Motion carried 5-1. (City Attorney swore Mr. Miller at this time.)

City Attorney Wantland had first reading of Ordinance 013-(number to be assigned) amending the City of Shepherdsville, Bullitt County, Kentucky, annual budget for fiscal year July 1, 2012 through June 30, 2013 by estimating revenues and resources and appropriating funds for the operation of City Government. Mayor Ellis stated the second reading would be August 26th.

City Attorney Wantland had first reading of Ordinance 013-(number to be assigned) amending the City of Shepherdsville, Bullitt County, Kentucky, annual budget for fiscal year July 1, 2012 through June 30, 2013 by estimating revenues and resources and appropriating funds for the operation of the Sewer Department. Mayor Ellis stated the second reading would be August 26th.

City Attorney Wantland had first reading of Ordinance 013-(number to be assigned) concerning surface water infiltration into the sanitary sewer collection system of the City of Shepherdsville. Mayor Ellis stated the second reading and vote would be August 26th.

City Attorney Wantland: We're looking for all the information; at our last meeting Councilman Kline you told me to go out there and get something, I'm working with our employees, they are working with people outside of Shepherdsville trying to get this where you feel comfortable that we're protecting the City sewer water treatment payers. We followed your directions; we're working with everybody trying to get something to you.

Mayor Ellis: Everybody should see an Agreement between the City of Shepherdsville and Jim Beam. Jose' Cubero: I'd like to make a motion; I've gotten some new information, we have an Agreement to be read tonight, that we at least table it and I'd like to have some more discussions with Chuck and Scott about some things that have come up that I think for the City's benefit and just the production and bottling that's over there. We want to make sure that everything we do; we have a great partner in Jim Beam but at the same time always our obligation is to make sure that we protect the citizens here and I'd just like to spend a little time with you guys. I'd like to make a motion to table our Jim Beam Agreement until we have a chance for all the Council to go over the information with Chuck and Scott. Whether we can do it individually with

you guys or figure out how we can do that. I really want to sit down with you. Bernie Brown 2nd the motion and stated he too would like to sit down with Chuck and Scott because there are a lot of things that we need to consider. Mayor Ellis: I encourage you definitely any time you have a chance to call Jerry Summers and go out and visit with him and his folks at Jim Beam also. That way we are hearing it from both sides. Bernie Brown: One question I have is back in 2009 there was some kind of an Agreement made between the City and Beam. Does this just add something to that? It doesn't delete anything in that? Mayor Ellis: All this Agreement will do is, right now they pay basically just on their flow so when they are shut down for the 3-6 months for cleanup they are not paying anything but \$34,000-\$35,000 which is not meeting the debt obligation. We even looked at some of the numbers where they were \$86,000 for a sewer bill and \$86,000 is not touching the \$94,000 a month sewer debt. What this Agreement says is its \$96,000 a month guaranteed, 12 months a year and it pays the debt payment. Faith Portman: For how many years? Mayor Ellis: This is set up on an annual basis and it will go up based on what the CPI is. Bernie Brown: On the surface that may sound and look good but I think there is a lot of other issues that we need to discuss. Mayor Ellis: That's why I want everybody to talk to Scott, Chuck and even talk to Jerry Summers and the folks at Beam. Once everybody is ready we will pull it off the table and discuss it here and vote on it. I have a motion by Jose' and second by Bernie. All in favor to table? Motion carried 6-0.

David Miles: Mayor, Council, I am the developer of Hensley Estates on Highway 44 West and I have completed Section 4. As a matter of fact it is 100% complete. I've given Tammy the letters from your Sewer and Road Department and everything is up to snuff and I wanted you guys to take that Section over. Mayor Ellis: Chuck, Scott have you both checked? Everything is fine. Chuck Keith: Sewers are excellent. Roads are good. Curbs, storm drains all good. Bernie Brown: Did you document that? Scott Fleming: Yes it is documented. Tammy has the documentation. Mayor Ellis: We're taking over the streets, street lights, sewers, the whole nine yards. Jose' Cubero made motion to take over Section 4 of Hensley Estates. Dana Bischoff James 2nd. Jose' Cubero: I just want to make a point. Obviously from everything we're heard from talking with Chuck and Scott, excellent job and we appreciate that. As we move forward we'd love to have a number of examples like you. We really appreciate what you did out there in your development. I don't know you very well but I hope to get to know you. Mayor Ellis called for a vote. Motion carried 6-0.

Daryl Lee: Had nothing to report.

Duane Price: Called; nothing to report.

Sign in Speakers:

Sandra Shaw: Good evening Mayor and Council. My name is Sandra Shaw and I am Bullitt Lick Middle School's PTSA President this year. We here today to hopefully get a permit approved for us to have a 5k Color Run. We are trying to think of out of box ideas for fund raising; things that kids will enjoy. Not only kids but the community to get to know Bullitt Lick Middle School better. I have different things here. We know that we will need an officer to close down the road. We're going to start of Bullitt Lick Middle School, run down to Frank E Simon Park, come up First Street, up Abbott, come across 44; this will all be sidewalks, up Plum down Abbott up Lee and then back over to Bullitt Lick. We have a School Resource Officer, Officer Bernardi who is going to volunteer his time to close that section of the street off right there on 44 from Bullitt Lick to the Frank E Simon Park so that way it won't cost any of the City's money for a police officer to close that down. Mayor Ellis: You say this is going to be a color run? Ms. Shaw: It's a corn starch powder that is biodegradable. I also have a cleaning company who is going to come in afterwards and help clean it up. And we're going to have it at the section just right there on Bullitt Lick Middle School road. We're not going to do it through the whole course. That way the cleaning is contained to one area and all you have to do is take blowers and it disperses and it just goes away in a few days. Jose' Cubero: We need to get copies of the map. Mayor Ellis: Have you established a date? Ms. Shaw: The date is September 28th. Clinton Kline: How long with 44 be closed down? Ms. Shaw: Just enough time for the runners to get from one side of the road to the other. Jose' Cubero: What time is the race? Ms. Shaw: It will start at 8:00. Registration will be at 7:00. There are also going to be soccer games going so that's why we wanted to hurry up and get it through that section of the Park. Jose' Cubero: You're going to have different times that people are going to come through there. Ms. Shaw: Right, towards the end. Jose' Cubero: How many people do you anticipate will

participate? Ms. Shaw: I'm hoping 100 people. I want to get this advertised through the Y of course, businesses. Two Guys Printing is going to donate 100 color copies for us and we're going to put those up. Jose' Cubero: Chief what do you think about this? 8:00 and different times coming through there. Chief Puckett: I haven't talked with anybody about it. Officer Bernardi has volunteered his time. Jose' Cubero: That part is good. We're never against anything and I think it's great. Again logistics and coming through 44 and different runners. That's the only thing I would be concerned with. (Discussion followed on closing Highway 44). Dana Bischoff James asked if it was a timed run. Ms. Shaw: No it's not a timed run. Gloria Taft: So if they have to wait they will be fine. Jose' Cubero: There may be certain times when they shut it down but if you're waiting you have to wait. Dana Bischoff James: I would notify your runners because if you have serious runners they will be pretty upset that they have to wait. Jose' Cubero: It's a great idea and again I don't want to discourage any fund raising because I think it's great what you guys are doing. Well intended, but there is always concern. Faith Portman made motion to approve permit. Clinton Kline 2nd. Motion carried 6-0.

Rick Terry: I live at 571 Oak Grove Boulevard which is Oak Grove Estates off Beech Grove Road. I'm here to address I feel like is a growing problem back there in this neighborhood. I've owned my home there for a little over a year and there is 20 mph speed limit in this neighborhood and there's also signs posted everywhere saying Slow Children At Play. At numerous times I've noticed vehicles going 40-50 mph down this road. I live on the entrance road, it's a long straight away and it does a 180 turn with a little S curve in it. There is a cop that lives right there. I work swing shift so I see it night and day. I alternate between shifts so when I'm on night shift I see it in the middle of the night and I see it all day during the day; people constantly speeding. I have children and I diligently try to teach my children to look both ways of course, just like anybody else does, and there are numerous children in this neighborhood and I'm afraid one day that something is going to happen, an accident because of the dangerous driving that occurs on this street all day every day. My children's friends are across the street and like I said this neighborhood is packed with children. It's just countless drivers all day long speeding. It's 20 mph and it's posted and no one obeys the speed limit. I'm just trying to figure out what I need to do to; I've already went next door last week and put in a request to have police officers come and give citations if need be or whatever but ideally I would love to see speed bumps installed in this neighborhood. I'm sure you all have heard this from this subdivision. Mayor Ellis: In order to do speed bumps or speed humps you would have to have a petition with 70% of the residents in that area signing it to ask for them. You would bring it back to us and the Council would vote on it and make a decision. We've had several petitions this year already and we're going to be bringing those back to the Council probably at the next meeting. Gloria Taft: There is a resident here that actually went up and down her street and got the petition and probably 90% of the people signed the petition saying yes we want speed bumps because we want to get these people slowed down. Because on the street, like you said, it's a straight away; it's posted 25 they've been clocked doing 50-60 mph. Mr. Terry: Anytime I come through my neighborhood I understand 22-23 mph I'll go that and I have people on my tail end, I can see them in my mirrors screaming in their car ready to pass me with kids everywhere. We have sidewalks. Mayor Ellis: You're very fortunate that you have sidewalks in yours; this particular subdivision that she's speaking about doesn't have sidewalks so those kids are either walking through people's yards or on the side of the road. Dana Bischoff James: Is it pretty much a majority of people speaking, it's not just one group? Mr. Terry: I mean of course I've lived there long enough now to single out a few vehicles that are louder than others that catch my attention more easily but I feel like it's the majority. If I had to put a percentage on it I would feel like it's at least 75% of the vehicles that go by my house and I live on a corner lot. Almost every single vehicle it seems like unless they are turning down the Court that's on my corner lot. Dana Bischoff James: So it's people that live there too? Mr. Terry: Yes I feel like it's a lot of people that live there. Dana Bischoff James: You may have a problem getting the 70% on a petition then. Mr. Terry: Right. Gloria Taft: It's amazing that a lot of times the people that speed are the ones that have the kids that complain and they are just in a hurry to get home to feed little Johnny or whoever his dinner. Mr. Terry: Like I said if you all are familiar with the neighborhood to get all the way to the back side where I live, I live at the corner of Crooked Oak and Oak Grove, you go through that 180 degrees, past the cop's house, and it does take a while to get back there if you go 20 mph. But there are numerous children in this neighborhood including my own. Gloria Taft: A couple sheets of paper, put on the top this is a petition to install speed bumps on – list the names of the road or roads – go through, knock on doors and have them sign their

name, put their address and print their name at the end and once you can get 70% of the people on that street bring it in. Jose' Cubero: Mr. Terry I want to add to that I think while you're doing that I think Chief we could probably have somebody out there. You give out a couple citations, you know how that works. Mr. Terry: Thursday I went to the window next door and requested that. They can sit next to my house; if they could just knock out a few citations on some of these people I think it would definitely slow them down. Jose' Cubero: It's hard to monitor it all the time. There's no way the Chief can do that. Chief Puckett: We've been there different times and we wrote numerous citations. Mr. Terry: I spoke with the Homeowners Association President and he said that they've had police back there before in the past and once they leave they start speeding again. Speed bumps are probably the best solution I believe. That's the main reason I'm here is because of the children. Not only my own but any of them. Jose' Cubero: I think if you could get a couple other people to help you with that list that's a good start. Mr. Terry: I haven't spoken to anybody. Dana Bischoff James: You said that you have a Homeowners Association; if you could preprint all of the addresses on the list where they just have to sign that would be a much quicker process. Mayor Ellis: Work with the Association, get us 70% and bring it back to the Council, we'll present it to them.

Department Reports:

Chief Layne Troutman: I have some issues for Executive Session.

Bob Ryan: I was not able to get you your monthly financial statements for this meeting but I will get all of those prepared for the next meeting. The Audit is in process, no problems there. I'm in the process of writing the report to be reviewed by the Auditor. Bernie Brown: Are you going to start giving us a list of all bills that have been paid in the same format it used to be? Mr. Ryan: No sir. Mr. Brown: Why not? Mr. Ryan: What I'll be giving you is the monthly detailed financial statement per department. The list of bills was just that, a list of bills. The detailed departmental financial statements shows on such and such a date a payment was made to somebody, some company, and then there is a description next to that why that payment was made. There is more information in the detailed monthly financial statement. Faith Portman: It is of the bills that are being paid though. I think that's what he meant. Mr. Ryan: Yes. The statements that you get each month are on a cash basis. To give you a printout of the bills that were paid, that's all it is just a list. Detailed financial statements will give you the reason why the bill was paid and what expense account it was charged to.

Council Reports:

Gloria Taft: Kudos to Tony for doing the City Fair. When I was there on Friday and Saturday I enjoyed myself. As far as I know everybody did too. I want to throw out there I think a lot of people remember Chief Jim Enlow. He has become an ordained minister now and he's looking forward to preaching the Gospel wherever he can make himself known wherever he can get in to. Last week I spoke with the Department of Transportation and am now in the loop on the Beech Grove Road Bypass. So I get to be a thorn in their side until we get to see this new road developed and right now we're looking at late this year-early next year. That is the only time frame that they will give me.

Faith Portman: I want to echo that too, Tony you did a great job I had a really good time both nights I was there, keep up the good work. I have a couple letters from a little girl that lives in our Community and her grandmother and mother both. They got the letters to me via an employee. The first letter says "To Whom It May Concern can you plan two new swings for our older kids at the park by the River. My 5 year old daughter doesn't fit in the baby swings and the other two swings have been broken for some time." Mayor Ellis: Let me stop you on that real quick, I just want to throw out one thing. We have prices from the swing companies. We've had teenagers going in and slicing them up. We've seen some of them on camera and we're working on trying to prosecute those folks now. One of the things we're also taking a step further, I did research and put Scott on this the other day, looking for a wheelchair accessible swing. We can get the whole thing, the frame and the swing for about \$1600; run blacktop out to it, you wheel a wheelchair out to it, clip it in and these kids that are in a wheelchair can swing. We're working on new swings and also a handicap accessible swing as well. Faith Portman: Good. I'll let them know that. Do you want me to finish reading the letters? Mayor Ellis: Sure if you want too! Faith Portman: "It would be greatly appreciated if you could replace the broken swings with two new ones." Signed by Amanda Mitchell writing on behalf of her 5

year old daughter. Then the Grandmother which is Diane Mitchell. "As a resident of Bullitt County I appreciate the fact that the City of Shepherdsville has a very nice park. My grandchildren and I frequently use all of them. Lately we have visited the Third Street Park and there are no swings for the older children." I think she meant First Street. "I would appreciate anything you can do to get the swings for the older children back up. Thank you for all that you do for the City of Shepherdsville. Sincere appreciation Diane Mitchell." Mayor Ellis: That's awesome. I was tickled pink we went out there the other day looking at them, approximately six swings that that to be replaced and then we're going to do the freestanding handicap swing. Mrs. Lee: Mayor I know you have signs posted in the park for pets not to be in the swing area. Daryl and I do a lot of walking down there, there are more pets in the swing area using the bathroom than there are kids. Mayor Ellis: If you see any City employee around notify that City employee and they will make sure they get them out of there. We definitely appreciate it. We all have to be visual on that and if you see it and see a City employee over there flag that City employee down and say this is what's going on over there. We'll have that City employee go over and take care of that. I saw some over there the other day. Faith Portman: I received a call from a resident over in Oak Grove, her house backs up to our impound lot and I know that you had talked to them about putting a fence up. Mayor Ellis: We're working on that. We met with the folks today and are working on getting prices for them. That's where we are at with that. The slats in my opinion, and Chief, Scott, Chuck and I have all talked about the little metal slats. They are not going to allow wind to get through. So you're going to be fixing the fence blowing down and stuff like that. What we looked at is if anybody is familiar with the fence next door to the jail. They've got that greenery that's in there. It allows air to pass through it; so that's what we're looking at. We've got them working on getting us a price for it and actually raising that fence that goes from the gate to the other fence raising it up to a 10 foot fence so it will be harder for people to be able to see. Faith Portman: What about that little patch of gravel. You go from blacktop to gravel to blacktop. Can we blacktop that? Is that ours? Chuck Keith: The State is going to tear all that up when they redo that road. We didn't want to waste the money. Faith Portman: I had another resident bring up to me have we ever thought about having Citywide yard sales twice a year because there is a yard sale every day on his street and he thought if we do a Citywide yard sale twice a year it might alleviate some of that. Dana Bischoff James: You know the only problem I see with that is that the people who want to go to the yard sale would be hosting their own yard sale. Gloria Taft: You can have them twice a year but you're still having great yard sales all year long. Faith Portman: It may alleviate some of them if we did. If you think about it it would bring a lot of business to the City of Shepherdsville. People would come here to shop, stay to eat. Mayor Ellis: We had explored that when I sat on the Council about trying to force people to get permits. The only problem that you run into with going with permits is if Clinton decides he's going to get his five permits for the year so all of us are going to take all our stuff to Clinton. Then after Clinton's five weeks are up, we're going to turn around and load up and go to Gloria's. It defeats the purpose because by the time everyone on this Council gets done there is 40 weeks. You've almost done the whole year with yard sales and next thing you know we're all just piling up our junk at each other's house for the five weeks. I don't know that there is really a safeguard on how to do that. It came up and that was the example I used then. Faith Portman: I think the Citywide thing sound good though. To me it sound fun. I was talking to Logan Haycraft and he was talking about recycling. He recycles a lot of stuff. I don't know if you all know this but he goes through the garbage and gets out cardboard, plastic, and he takes it to the County recycling bin and they collect money. He's wondering why we don't have something like that. Have a recycling bin here and he said he likes to pick through the garbage and get out the cardboard, etc. I think it's a great idea. Mayor Ellis: He and I talked about that once before and I had asked him to call a couple of the companies that do the recycling dumpsters and have them bring one over and put it in the park. Faith Portman: QRS would probably be a real good one to do that. Mayor Ellis: We can call those folks. Gloria Taft: Who are you going to have man it? City Attorney Wantland: You are going to have to have a camera on it. Gloria Taft: You're going to have to have somebody manning it or you're going to have garbage all over the place. Faith Portman: Either that or you can have it at Public Works. Mayor Ellis: That's what I'm saying it would be at the Farm. Scott Fleming: Logan and I have been discussing that with the Mayor and we're actually going to have a dumpster at the shop. Faith Portman: The County makes good money off of that. Gloria Taft: Start collecting glass because I have to drive clear to Okolona to drop off my glass recycling. City Attorney Wantland: Our neighbor to the East did have recycling for even the unincorporated, now they do have recycling mandatory but you if you could try to get a group to be responsible, like the Boy Scouts, Girl Scouts, these types of things. But you've got to have someone or a

camera on it because people will literally steal out of the recycling bins all the aluminum, glass; they are not going to steal the paper but anything else they are going to take. And they do leave a mess. You're going to have to have it up here at City Hall with a camera. Faith Portman: If it's fenced in and locked and manned during the day. That's just another way for the City to make money. I went to talk with Kevin Mooney recently and we were talking about elections. He said that to have a Democrat and Republican Primary it costs the taxpayers \$1135.00 which don't seem like a lot of money but to the taxpayers it does. I want to bring up that maybe we ought to go Nonpartisan Elections like Mt. Washington and Hillview. Look at it and maybe have a vote on it the next time or put it on the Agenda for the next time. City Attorney Wantland: Put it on the Agenda then you all can talk about it and see what you want to do. I'll be happy to prepare an Ordinance. Faith Portman: I have a printout here that he gave me and it's only for the Primary. I told him I would bring it up. He said it would save time and money. We're the only City, other than LJ, that is not nonpartisan and LJ never has a Primary. Just to throw it out and put it on the Agenda for the next time. If you all have any questions you can go talk to Kevin. Mayor Ellis: We can look at it and see. The only thing that concerns me is once you go nonpartisan you're stuck that way for six years before you can go back if it doesn't work out.

Dana Bischoff James: The only thing that I have is this is more of a challenge to the City in itself is we're looking at ways to beautify Shepherdsville and make it just a nicer place to live. I love Jose's agenda to look toward the future and for Shepherdsville to be that ideal place to live. However with that I would like for the citizens, employees, and everybody to step up and just for the City to become a friendlier place. And granted I'm coming off a two week vacation but it would just be nice for people to actually wave, smile, just take a minute and acknowledge people. We live in such a rush rush society but if the constituents and everybody just came together, just make Shepherdsville a different place and eventually it does catch on.

Jose' Cubero: Same thing for Tony. A great job but I think it's just a start. I think as more people start really owning the City as we talked about moving forward and having pride in the City that's a great way to start. I think you did a great job with that. It's kind of that same mantra that we want to make sure that people spend their time here and get to know each other again kind of that same thing. I also want to tell Jamie and Corky congratulations on your positions. I think you guys will do a great job. And obviously, Jamie I don't want to put you on the spot but since we've talked about this *Operation Santa* I'm going to make you get up and talk one day here soon and talk a little bit about it for everybody here to know about it and the things, Chief, you guys are doing for this for Christmas. I think it's never too early to talk about that when it comes to those kids. I think you guys have something working there and I do want to encourage you to talk about that sometime soon.

Mayor Ellis: We do have some Executive Session issues; personnel and possible litigation. City Attorney Wantland: For Executive Session issues I'd like for Mr. Fleming to attend at least for a portion of it and Mr. Miles also. Gloria Taft made motion to go into Executive Session. Clinton Kline 2nd. Motion carried 6-0.

Gloria Taft made motion to return to Regular Session. Jose' Cubero 2nd. Motion carried 5-0-1 absent (Clinton Kline left during Executive Session). City Attorney Wantland: Thank you Mr. Mayor. At this time we would entertain a motion from the Council to contact Town and Country Bank concerning St. Andrews Crossing concerning the streets that have not been accepted by the City and direct that Town and Country Bank needs to meet with us for purposes of developing a punch list for the remaining development of that subdivision. Bernie Brown made motion. Jose' Cubero 2nd. Motion carried 5-0. City Attorney Wantland: The second item we need a motion from the Council, after meeting with Richard Miles that we will release building permits for the development known as Mallard Lake on the condition that he is to have a reduction in the infiltration of 75% in six months there will be a review and be updated on the projects. We get a monthly progress report and he is responsible for camering and CCTV the line and making all necessary repairs. Faith Portman made motion. Gloria Taft 2nd. Motion carried 5-0-1 absent. City Attorney Wantland: For the purpose of the paper, the report from the City, Scott Fleming monitoring the situation there has been 1 million gallons of reduction of infiltration in that line in the last 40 days.

Jose' Cubero made motion to adjourn. Faith Portman 2nd. Motion carried 6-0-1 absent. Meeting adjourned at 9:56 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk