

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, July 28, 2014**

Brother Larry Mudd gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:36 p.m.

Council members present: Bernie Brown, 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 7/14/2014 regular meeting. Clinton Kline made motion to dispense with reading. Bernie Brown 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes as written from the 7/14/2014 regular meeting. Gloria Taft made motion to approve 7/14/2014 minutes as written. Clinton Kline 2nd. Motion carried 5-0-1 absent.

Old Business:

City Attorney Wantland had second reading and public hearing of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwayne Brumley to rezone 3.42 acres, more or less, from B-1 Highway Business to R-3 Residential located at the corner of Highway 44 East and Boardwalk Avenue. Mayor Ellis: Is anyone present to speak in favor or in opposition of this rezoning? I do know we have Counsel (Angie Etherton) for Mr. Brumley here if you would like to come on up. Faith Portman: Angie, you did say this is going to be apartments, correct? Angie Etherton: It is. Faith Portman: How many units? Angie Etherton: Eight is the number but I want to make sure we're communicating correctly because its 8 on the 3.42; I want to make sure we're talking about the right piece. Faith Portman: They are all going to be the same color? Angie Etherton: Yes, they are going to be very conforming, uniform within itself and conforming with regard to the other buildings in the area. Faith Portman made motion to accept. Bernie Brown 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland had second reading and public hearing of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwayne Brumley to rezone 0.7 acres, more or less, from B-1 Highway Business to R-3 Residential located at the corner of Highway 44 East and Boardwalk Avenue. Dana Bischoff James: Is this a continuation of that same area? Angie Etherton: It certainly is. Dana Bischoff James made motion to accept. Faith Portman 2nd. Bernie Brown: Apartments going to be built on this too; how many? Angie Etherton: It's all part of the same plan. He is going to be putting more apartments on these rezoned properties in conformity with all the City and County requirements, yes. Vote taken at this time: 5-0-1 absent.

City Attorney Wantland had second reading and public hearing of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwight H Humphrey to rezone 6.0 acres, more or less, from Agricultural to B-1 Highway Business located at 438 Old Preston Highway. Dana Bischoff James: What is the goal of this one? Angie Etherton: It's so that they can operate a business. They want to operate a business in that area. Mr. Humphrey is present. It's a business within the conformities of the B-1 requirements. Mayor Ellis: Do we know what kind of business at this time? Angie Etherton: Yes we do. I'm kind of hesitant because I don't want to say anything that is incorrect because we've been through this at Planning and Zoning. They are manufacturing craft kits. So when I use the word manufacturing everybody thinks it's something different in the zoning but I'm always using the wrong word at that point. But they are getting together craft kits. Mayor Ellis: For distribution? Angie Etherton: Absolutely. If you use the word distribution then people start thinking big trucks and that's not at all. It's in conformity with the B-1. Faith Portman: How many employees will be there? Angie Etherton: At this point there are 3. They don't plan to grow very much more. Sometimes 5, I'm not sure how they do their corporate books or anything; but 3 to 5. Faith Portman made motion to accept. Dana Bischoff James 2nd. Motion carried 5-0-1.

New Business: None

Daryl Lee: No report.

Duane Price: No report.

Sign in Speakers: None

Department Reports:

Chief Doug Puckett: I've got a request to surplus property; I think everyone should have it in front of them. It's some old MDTs and stand and file cabinets. Dana Bischoff James made motion to surplus items on list. Gloria Taft 2nd. Motion carried 5-0-1.

City Attorney Wantland: I have something. I sent out an email but Chief Puckett thank you for your help; from our last meeting we filed the complaints against the properties that were in question and anticipated we may have some problems with service and the Chief helped with that and we've got service of summons on the defendants already in that action so thank you Chief.

Chief Layne Troutman: I have an update on the fire apparatus. I've been communicating with the Seagrave Company out of Wisconsin; they've turned it over to a new person that's taken over the refurbishing of the truck. They sent us a list of the things they were going to do to it; it includes inspect or replace. From what I've read on the estimates they've sent it pretty well covers everything on the apparatus that needs to be repaired from the accident. As long as I'm okay with this and you're okay with it, I'm going to send it back. They'll send back a contract to enter into to have them go ahead and start work on the apparatus. From what they said, once we sign the contract and get it back to them, between the end of October and the first of the year is when we'll have the apparatus back. It's a lot less than anticipated also; right now they are looking at around \$93,000 to fix the apparatus. Apparently this gentleman I was working with at Seagrave had 147 trucks he was trying to keep up with that are going through production right now. So he was kind of overwhelmed and passed it to this gentleman that took over this project. Hopefully it will be back soon. Dana Bischoff James: Do we need a motion that we let you handle it from here? City Attorney Joe Wantland: We're working on it. It's in litigation but we wanted the Chief to come and present it to you tonight. We've got two insurance carriers on this and they are aware of what we are doing. We've told them we're going forward on it to have it repaired. We can fight with the carrier later but I would like them to be on board. They can't say they are not aware of this. We've put notice on to the Ryder carrier that we were dismantling the machine so they couldn't complain about that later on. So they are aware that it's being dismantled. We've got some solid estimates; I think they are going to find some additional damage but at least we're going to be getting or truck back in our lifetime.

Mayor Ellis: I spoke with Claude he had surgery on his bicep; he's going to be out 6-8 weeks. Continue to keep him in your thoughts and prayers and call and check on him. He's ready to get back to work and I told him not until that doctor tells you you can. It's going to be a long road with rehab. But when he gets back he says he'll be as good as new! I told him to take it easy and not hurt himself anymore.

Controller Bob Ryan: You have the financials for the end of the year. On the City side, the General Fund ended in a very good way. Of the four sub-funds, Admin, Fire, Police and Public Works, Fire and Police came in under their budget; Public Works is about \$44,000 over theirs; and on the Admin side about \$344,000 over their budget. The lion share of that is from the approval of paying off the second bond payment on Series A and B that would have been paid in October of this year. That was paid off early so that's the lion share. We're in the process of getting together the Ordinance to Amend the Budget to approve these expenditures which again they were already approved at one time but outside of the Budget. \$1.4 million in debt was retired last year, that's principle payment and that means there was less interest being paid; \$374,000 in capital expenditures was paid out. But the City came in on Revenues, \$445,000 over Revenues; a net \$340,000 over expenditures so after paying off \$1.4 million in debt and the Capital Expenditures that City still ended up in a Net positive number of \$104,000. Again, you'll be getting the

Amended Budget number. Everybody I would say was pretty responsible. The over budget in Public Works was caused by things like EPA saying go to this type of mosquito spray. I ordered another drum today-one drum is \$3300 for a 55 gallon drum. Faith Portman: How often are they spraying for mosquitoes? Josh Edwards: Two or three times a week. If the humidity is real high it doesn't do any good to spray. So as long as we have no moisture in the air we can spray.

Council Reports:

Dana Bischoff James: Just remember school is getting ready to start so there will be more traffic out in the morning.

Faith Portman: I want to ask about the ditch in River Oaks. Has it been cleaned? Mayor Ellis: They have been back there working on it. Faith Portman: I wanted the Council to know that I called the people at Best Made Pallets and talked to them and I know Ted went there because he told me he came by the next day. The new furnace or fire place or stove or whatever it is is new and that's why it is smoking so badly. He said once it cures it won't smoke like that and there are no chemicals at all in that wood. I should have known that when it was brought up because my dad use to get that wood and use it for kenlen and they wouldn't give it away if it had chemicals in it. This man wanted me to insure the Council that he would not do anything to hard any resident; he worked with them and if any of the other Council want to call and talk to him I'll give you his number and you can call and talk with him. Bernie Brown: Did he comment about the odor? Faith Portman: He said the only odor is probably off the pipe because it's new and that it's going to have an odor. Fire Chief Layne Troutman: What it is, the system he's got in is a drying system. When they finish with the pallets they can throw the wood into it and it dries the pallets out to make sure there is no moisture in them. It just burns regular fire wood. It's not anything that's toxic. And like she said, once it cures it will start burning cleaner and they have been trying to wait until later at night to do it. Faith Portman: He also said that when they put it in the company told them that they could buy one that's up to standards now with the law but there is a new law passing next year about this type of burning and they went ahead and bought this one just because of that reason. I know this man and he would not do anything to harm this community. Mayor Ellis: I met with the same one you're talking about a couple days afterwards and we discussed it. I called the gentleman who came to the Council meeting back and he hasn't called me back. Faith Portman: He told me if the gentleman wanted to come over and look around or any of the Council to feel free; just call him and let him know in advance. I was talking with our City Attorney; I brought something to his attention that I thought would be real nice for our community is to have a, I don't know what you would call it; a recognition of a community person. A person in our community that goes above and beyond to do things for the City and actually this person I'm thinking about does a lot of things for the County. I want to nominate this person but I think it would be nice if we had a person every month; get the Council to nominate somebody every month, not an elected official just someone in the community that goes above and beyond and tries to make a better community. All of you probably know the man that I'm thinking about and I would like to declare at the next meeting a volunteer day but I would like to nominate Jerry Summers. Jerry has done so much for this community. Not just for Shepherdsville but Bullitt County. Everybody in here knows him and what he does. We all do. He give back to the community; he brings things to the community; he helps Shepherdsville out, so I don't know how you all feel about it but I think it would be a great thing to do once a month. How do you all feel? Just give him a certificate or whatever it don't matter. Gloria Taft: Once a month would be too often; maybe once every three months. That's what I was thinking. Faith Portman: I thought I'd throw it at you all and see what you thought about it. Mayor Ellis: We can do that once a quarter. City Attorney Joe Wantland: I think it's a great idea. He brings Beam, his employer to the table as well. He received a tremendous recommendation and recognition from Boy Scouts of America for all his involvement with the Boy Scouts and the Center we have here. Again with CASA, he's always working with CASA; he's working with the YMCA, the list is continuous. Mayor Ellis: Any time we've ever called him for donations for anything, Crusade, Shepherdsville Santa, they are right there for us. So absolutely I think Jerry would be great. Faith Portman: Not only for Beam but himself too. Mayor Ellis: I think Jerry would be a great person to recognize for the first time. Faith Portman: I'd like to ask him to a meeting and not tell him what it's about. City Attorney Wantland: The motion you are making is you would like to declare August 25th declared in the City of Shepherdsville Jerry Summers Day. I think it's a wonderful thing to do. We recognize a lot of badness in people so it's a very good thing to recognize some goodness in

people. Faith Portman: I can think of a lot of people who are not elected officials who go out there and go above and beyond. Mayor Ellis: I think we do citizens. City Attorney Wantland: I know I have participated in fund raising efforts for children in our community, major ones, and Jerry Summers was in the center of both of them and I thought that was very very special to see him working that hard and he was working people. He was soliciting funds hard for these groups. I think he's a very good man to be recognized. Faith Portman made motion to declare August 25th as Jerry Summers Day in Shepherdsville. Dana Bischoff James 2nd. Motion carried 5-0-1.

Gloria Taft: First if want to congratulate all our Departments for actually coming in at or under Budget. That's spectacular that they are able to do that. They are predicting how much gas could be a year from now so congratulations and thank you to all our employees that work on the Budgets and work diligently to stay within Budget. I've been asked about the street at Denny's, the entrance, if there is anything we can start doing to try and get that wider for semi traffic. Mayor Ellis: When we did the blacktopping last year we did do some blacktopping to help make it wider but we're going to have to get the State to do something and the State doesn't want to do anything until they figure out if they are going to do the feeder road from 44 all the way out to 245. That's the last thing I heard from the Commonwealth of Kentucky. The request that we had was to put a stop light there. Well the Commonwealth mandates that you have to have 800 feet between stop lights so there is no way you're going to put a stop light at the top of that ramp and there as well. That whole entrance needs to be moved down to where the old gas station that was torn down and bring it in and wrap it back around. That's what needs to happen. That's what we're trying to do with that road bypass but of course we've got to get the State on board to do that. Gloria Taft: I'll take that back to him. Clinton Kline: Can we move the stop sign back? Mayor Ellis: We can have our guys go out tomorrow and move the stop sign back. Josh Edwards: We can look into it, I won't promise anything because of the way that is set up over there because of regardless and I hate to say this but with the way people are even if the stop sign is backed up they may stop there but they are going to pull up and stop again before they pull out on to 44. Mayor Ellis: If we move it back we can at least see where we're at. We can't guarantee what John Q public is going to do but we can at least try to move it back some.

City Attorney Joe Wantland: Before we go, the Council should have the YMCA Lease. It's basically the same as last year. I would recommend that we approve that. The Mayor has met with the YMCA of Greater Louisville, this is pretty much what we've done this past year and I would ask if the Council is satisfied with it that we do it again. Faith Portman: I've got a question. Have the softball fields always been included because I know our football players are using the softball fields. Mayor Ellis: No they've not always been included. They were this past time but nobody was ever using them. Faith Portman: So how is that going to affect the football league? Mayor Ellis: What I want to see happen is you have the area at Roby that they use for practice and they play their games at Frank E. Simon Park on Saturdays and Sundays and you allow the football players to go up and practice in the Park and you open those ball fields up for what they are intended for and that's baseball and softball. Faith Portman: I'll tell you the problem with the fields behind Roby. They are supposed to be maintained by the County and they are not. Mayor Ellis: That's actually Parks & Rec now; from what I was told Parks & Rec is supposed to maintain those. Faith Portman: I called Melanie Roberts about it and she said it was County and she had employees down there. I told her they are not taking care of it. Mayor Ellis: You have the Parks and Rec barn right there behind it and that's who always maintained it when I umpired and coaches up there. Faith Portman: Well they don't no more because I can tell you my grandkids play for Parks & Rec last year and nobody maintained it. Mayor Ellis: The ones who should be maintaining it since they took over Parks & Rec is the YMCA. They Y is who took over your Parks & Rec. They should be the ones who are maintaining those fields. Faith Portman: They are not being maintained. That's the problem. I know the coaches maintained them. Mayor Ellis: That's what I'd like to see happen. Practice over here and play your games over there that way the football players can move up and use the Park. We've got to be able to figure out how to get everybody in there and if that means that the Y can't practice there Monday thru Friday then that's what has to happen. But they will still be able to play their games there because you'll have ample parking and nice fields to play on. We've still got to find a place to put the football players and utilize the ball fields for what they are supposed to be used for and that's baseball and softball. We've had one group come in and ask to use them and we're trying to get those fields up to par now so we've got to work out something. Faith Portman: I don't have a problem

with this as long as we're not running off the football players off. Mayor Ellis: That's what I want to do. I want to sit down with June before we do anything with this because when I say it I thought we need to sit down and discuss this further and that's the proposal I want to throw out to them. Practice there Monday-Friday, play games Saturday and Sunday here and if you have tournament games we can work that out. But you've got to share it with the football players. We'll sit down and talk with them and report back.

Clinton Kline made motion to adjourn to Executive Session to discuss land acquisition and litigation and would like to invite Brad Armstrong in for part of it. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

Gloria Taft made motion to return to Regular Session. Clinton Kline 2nd. Motion carried 5-0-1 absent. **City Attorney Wantland**: For the audience tonight, we did have an Executive Session concerning property issues. Counsel and surveyor Brad Armstrong have been given directions by the Council on how to proceed as to the property issues; I'm going to do some inquiries concerning acquisition of a piece of property and we have discussed acquiring some easements and we are going to contact the property owners before our next meeting.

Clinton Kline made motion to adjourn. Bernie Brown 2nd. Motion carried 5-0-1 absent. Meeting adjourned at 7:29 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk