

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, November 10, 2014**

Pastor Mike Miller, Family Day Ministries gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:30 p.m.

Council members present: Bernie Brown, Dana Bischoff James, Clinton Kline and Gloria Taft.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 10/27/2014 regular meeting. Gloria Taft made motion to dispense with reading. Dana Bischoff James 2<sup>nd</sup>. Motion carried 4-0-2 absent.

Mayor Ellis asked for a motion to approve minutes as written from the 10/27/2014 regular meeting. Dana Bischoff James made motion to approve 10/27/2014 minutes as written. Gloria Taft 2<sup>nd</sup>. Motion carried 4-0-2 absent.

Mayor Ellis announced City Hall would be closed on Tuesday, November 11<sup>th</sup> in observance of Veterans Day.

**Old Business:** None

**New Business:**

Mayor Ellis stated we have Bill Reed and Jim Rice here from Flynn Brothers Construction; also Rob Campbell with Qk4. We'll call them to the podium at this time to discuss the Recapture Agreement between the City and Billtown Recapture LLC. Jim Rice: We have two or three things if I've got a few minutes. I'll make them short. First of all, the traffic signal at Adam Shepherd and Conestoga. We have several people that have signed up; Kroger, the Shopping Center (which is us), Publishers, and if you can get a couple others that will take care of the rest of it. The only thing really the City has to do is if there is an easement from either one of the banks, talk to them and at that point I think as quick as we get everybody signed we're ready to go forward. We've got to tell Arrow by tomorrow whether it's a go or not so they can get all their equipment. If everything goes well we can have it in by the end of the year. The second thing would be the system development fee which you are going to have an ordinance that's set up for which was done once before and I think there are some minor changes to that and that Ordinance can be read. Joe Wantland: Your phone has been full lately. I prepared this; the Council has a copy. You can take this with you and we can talk about this. I don't know how much acreage you want to put in to that initially. The first track given to me by your office was about 75 acres and I basically took the amount of money that you're putting up and using it as the acreage but you may want to put acreage in there; we may want to come up with a different system on how to do it; we would like to move this along and get it put in place. Jim Rice: I assumed there would be a watershed that you would use a system development fee and anybody in that watershed for a period of time pays that fee to make a tap for that sewer. City Attorney Joe Wantland: Right now it looks like about \$4700 an acre. Jim Rice: Right. Rob Campbell: I agree with Jim, basically the recapture should be based on a watershed and not just acreage served by the development. So the whole idea is it would serve that little watershed. Jim Rice: That would be the reason why the trunk shore was there to start with. City Attorney Wantland: I haven't been given any direction; the Council, the Mayor, we were completely unfamiliar as to this issue about what was done and how it was done and what was contemplated. So we're looking at Rob to come in and give us some direction. Rob Campbell: Absolutely. I think the Mayor and us need to get together and talk about the big picture of what makes sense to the City and then we'll be able to pin down what makes sense for a system development charge. City Attorney Wantland: In fairness to everyone. Jim Rice: And that's part of a bond agreement that was set up for the sewer expansion to start with. It's just something that needs to be completed. City Attorney Wantland: We have been working on it; we have contemplated it and we've got a draft going forward. Now we don't want to do the same scenario that we did with the Commonwealth with the Welcome Center. We annexed that

after the fact. We'd like to start the process as the property that wished to be served by the Utility to be brought into the City as soon as practical. Jim Rice: And probably if you take the watershed there is actually parcels that our outside of what would be the current City boundaries but I think it would be applicable to those people at some point if they ever wanted to tie into it. So that works. I think if Rob can attach the exhibit that shows the watershed and get it to you all before your next meeting that ought to take care of it. City Attorney Wantland: You need to put in a development charge. Rob Campbell: There is a little bit of leeway, you can come with a hard and fast number but you can also consider what number if it comes out so large that it impedes development; we want to think hard about that. We need to take a little bit of discernment to make a decision. Jim Rice: I suppose you have some flexibility on an annual basis you can either increase or decrease that number. So you've got some flexibility. City Attorney Wantland: We like uniform. Jim Rice: I know but as long as you hold it consistent for that year you can make provisions to do that. A lot of recaptures are done that way. That's just a thought. City Attorney Wantland: I would also like to begin the process to bring the service area into the City. I know you're in favor of it because we talked about it but we need to go ahead and start because with the State recently we have the issue with the Welcome Center is that they were using the City sewer but not paying City rates and that should have been done at ground zero and it wasn't so now the State has come forward and said we want to be in the City and we've done that annexation so now we don't want to go back and do it again we would rather have the service area consistent with the growth of the City. Jim Rice: That's all we're trying to do. We've already basically prepaid a lot of ours so we have another payment coming in December so it would be nice if we could get this done. City Attorney Wantland: I want to brag on the corporate sponsorship and how corporations work with municipal governments to make things happen. The Flynn Group initially have covenant to spend and donate to the City as advance fees a half million dollars for the development of this Beam line servicing the area along 245 and southward from Shepherdsville. And for that as a community we say thank you. Jim Rice: It really helps Beam and a lot of those areas out there now have potential for development. A lot of residents even have been available to sewers. The last thing that we want to discuss is the I65 Recapture's closeout. We had invoices in for about \$30,000; is that scheduled for payment or do you know? Bob Ryan: We found that we have not yet received that money from the State so last week they were notified this money was due to the City to pass on to you. Rob gave me all the information to send in. Jim Rice: We're trying to close our year out and close that out. And the other thing on that same project we had given and I think Rob may have talked to you about this; whatever the difference was left on that project is going to be paid out per the terms of the Recapture Agreement; and part of what the overrun was was things that happened on some of the previous line construction that we've tied into had to be moved to a different location; ran in to rock; additional engineering; additional inspection delayed the project. So we've already paid all that stuff. It's all been paid for; some of it was not a typical thing that you get involved in with where the lines are in the wrong place and whatever problems we ran in to. So our suggestion as one way to close that whole thing out; we gave you an offer if you want to close that out, and say we're done with it, there is no recapture fee on that portion of the line in the future it would be whatever the City wanted to do which I thought was an extremely fair value for the City if they wanted to take advantage of it. If they didn't it's just the way it is; we need to make sure those agreements though are put in force for anybody that builds or develops in those areas that they know there is a recapture. Because really the same things we've got set up for the system development fee needs to be set up for those areas for recapture because if ABC Company goes out there and is going to develop in that area they need to know that there is a fee for that. Dana Bischoff James had several questions regarding the recapture agreement. Bernie Brown also had a question on the agreement. It was decided to have a meeting to discuss this project further to answer any other questions the Council may have. Rob Campbell suggested we go ahead and get information together and set up a meeting with Dana, Gloria and Mayor Ellis. Dana Bischoff James made motion to table voting on the Recapture Agreement at this time. Clinton Kline 2<sup>nd</sup>. Motion carried 4-0-2 absent. Mayor Ellis: Jim, before you head off, I did bring up about the stop light at the last meeting; what are we looking like on that; did we get it down to \$15,000? Jim Rice: \$15,000. Mayor Ellis: We need to do this stoplight; \$15,000 is going to be the City's share. Clinton Kline made motion to go ahead with the stoplight. Gloria Taft 2<sup>nd</sup>. Motion carried 4-0-2 absent.

After discussion on paving Heritage Hill subdivision; Dana Bischoff James made a motion to take Heritage Hill subdivision streets into the City's maintenance program and further research the other two

developments that have done bankrupt. Gloria Taft 2<sup>nd</sup>. Gloria Taft rescinded her 2<sup>nd</sup> and Dana Bischoff James rescinded her motion and Clinton Kline made motion to accept Heritage Hill, St. Andrews Crossing and Bullitt Creek subdivision into the City's maintenance program not to exceed the City's MAP fund. Dana Bischoff James: I thought one of them is not complete yet. Mayor Ellis: Neither is this one. This one is not and neither is St. Andrews Crossing. And Bullitt Creek, and Scott correct me if I'm wrong, how much more is there in Bullitt Creek if anything? Scott Fleming: It's about half complete. Clinton Kline: Since we don't have surety bonds with the developers on these and we're in a day where development is slow and it's not 10-15 years ago when a subdivision got completed quickly. You've got people that can't deal with potholes and the bad street getting in and out and you're still going to have construction going on. Construction is destructive to roads. Can we make a new Ordinance that requires builders; before we issue an individual building permit; and it's going to be taxing on Public Works to go out and check these roads before people a bobcat is going to tear up asphalt. City Attorney Wantland: There is no authority in law for the concrete truck, car hauler, dump truck, garbage truck or whatever to tear up municipal streets. Clinton Kline: That's making the builder responsible for the vicinity of the house. City Attorney Wantland: We'll look at it but generally what we're looking at is trying to show who is responsible for the damage to the road. Dana Bischoff James: But also the problem with that is when anybody's house is being built those trucks have to come in and out of there so that's hard to fix. Gloria Taft: We can still require a bond. City Attorney Wantland: The bond is the way to go and you just don't release the bond. Clinton Kline: Scott goes out and gets a bond and documents what the road looks like and before he releases the bond once the house is built you go out and assess it. City Attorney Wantland: Most of these people are going to build a plat and let's say they are going to have 20 development sites. That's why I'm saying you just sit on that bond until it's completed. Mayor Ellis: What he's saying is when somebody builds a house. Clinton Kline: I don't want to dump hundreds of thousands of dollars in these to get these roads fixed and then builders come in and tear the finished pave up with their construction equipment. Mayor Ellis: He's saying that when they are building a house can we mandate that they are responsible if they damage that road in front of their home. Clinton Kline: I'm saying I want to get a basement done and XYZ Excavation company comes in and rolls a 50,000 pound high lift on our brand new asphalt. City Attorney Wantland: We're talking apples and oranges a little bit. You can make the developer/builder responsible by not releasing that bond until that project is fully completed. Clinton Kline: Do we have a bond for the whole project. We cannot get a bond for Heritage Hill. They are bankrupt. Gloria Taft: What can't we get a bond for a builder to build a house in Heritage Hill? Clinton Kline: That's what I'm saying; getting a bond for the builder for these individual lots. City Attorney Wantland: As a Council can we do some investigating on that; because most builders in Bullitt County, Kentucky do not have sufficient financial resources to qualify for a corporate surety bond. Dana Bischoff James: And we'll stifle growth. City Attorney Wantland: I'm not saying don't do it I'm saying that you're going to take a level of people who are in the construction trade and preclude them from building. They are going to have to have an umbrella to build under because they are not going to quality for a surety bond. Mayor Ellis: If that's the case they don't need to be building at all. Dana Bischoff James: What I would like to do is keep my original motion, I want to take care of Heritage Hill and I want to research the rest. I want to take care of the people who are here. Gloria Taft: Heritage Hill is here; we haven't heard from the other two yet. Gloria Taft 2<sup>nd</sup> Dana's motion to do Heritage Hill and look at the other two in research. Bernie Brown: Just one more thing. When we found out what had happened and what we need to do to more sure this doesn't happen again; it sounds like the Ordinance needs to be revised. Is that right Mr. Wantland? City Attorney Wantland: I think it works; we just don't issue building permits until the Ordinance is complied with. Bernie Brown: We need to make sure that's in there. City Attorney Wantland: It is. Motion carried 4-0-2 absent.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) amending Ordinance 004-649 and 011-079 imposing a license fee upon insurance companies doing business within the corporate boundaries of the City of Shepherdsville. Bernie Brown: Who is introducing or sponsoring this Ordinance? City Attorney Wantland: I prepared the Ordinance Councilman Brown and I thought I sent out an email some time ago indicating that we were running in to cost involved in pursuing code violations particularly to dilapidated properties in the City. All I'm trying to do is, we're running in t more expenses; I'm saying Council you don't have to do it, you can do it but I'm saying this is getting expensive and this is one avenue that the Council can recoup some of the monies that is going to be spent for that. I did this on my

own. Bernie Brown: It is my understanding that any Ordinance has to be introduced or sponsored by a Council member. Gloria Taft: I'll attach my name to sponsor the Ordinance. Mayor Ellis: The second reading will be November 24<sup>th</sup>. City Attorney Wantland: Mr. Mayor, for purposes of people in the audience, this is a collection of an insurance tax that you already pay 5%; 4% goes to the City, 1% goes to the County Fiscal Court. What this City Council has been doing and I hope you've been noticing, this Council has taken a step up and has tried to clean up this City one piece of property at a time. We are finding that people are not cooperative in that procedure. It is getting expensive. The City may have to become owners of property that may be raised. All I tried to do is put something in place that the sole burden is not on the City taxpayer but that it's really by everyone. That's what I tried to do. This will not raise your taxes or anything like that. I will take up for this Council. They are working very hard to try to clean up what I refer to as some unsightly properties.

**Daryl Lee:** No report.

**Duane Price:** No report.

### **Sign in Speakers:**

**Bill Duffy & Steve Froelicher:** Bill Duffy: I'm here to give you an update; a couple months ago Steve Froelicher and I came in and we talked about a collaborative effort with the County on a trail that would lead from Floyds Fork over the Bernheim. I know Brad and his firm is interested in this. We have not received the final trail information from UK. They've made several visits before school started and once they went back to classes I guess our issue went on the back burner. However as a result of that the landscape design department of the University Of Kentucky College Of Agriculture has conducted a blueprint, if you will a blueprint design for trails and parks for our County. And it's just a suggestion and we are going to be making a presentation on Friday, December 5<sup>th</sup> at 2:00. We think it's going to be at the Extension Office. I'm going to ask Steve to say a few words. He has seen the presentation. I was out of town so I couldn't go to UK to see it but really we're inviting all of you all to come and everybody in the audience please come; it's about future parks and trails and green space for our County. Steve Froelicher: Just briefly they had six presentations; six student groups each of which tackled different areas in the County so basically what they did is they laid out potential park spaces and trail systems with different types of themes from everywhere from the northeast side of the County all the way down to the southwest side of the County. All the towns have different trails with different types of themes and one of the things that they really were stressing with the trail system and park system was connectivity of the County. One of the things they noticed about our County is that all the towns are sort of off on their own and the County is off on its own. It's one of the things they are really trying to do at these designs is kind of connect the County give it a sense of place and I think they did an excellent job and I would encourage everyone to come to it. I don't think you'll feel like you are wasting your time. I think it's going to be an excellent presentation. Bill Duffy: As soon as we know where we'll let everyone know. Steve and I are going to go to other City Councils and ask them to come. It's really important that you have input in to the whole process and I know that the students have worked very hard on it. If Steve's impressed it has to be good. Steve Froelicher: I think it will be kind of an eye opener. It was to me. We've been kind of thinking about the trail from the park lands down to Bernheim and maybe into Bardstown and some of the stuff they have come up with is pretty imaginative and I think feasible. So I think it's really worthwhile and I think it's something that as a County and all the Cities could really get together on sort of a unifying thing that long term would make our County more livable. I think it would be worthwhile. It's probably years out but you have to start somewhere.

### **Department Reports:**

**Police Chief Doug Puckett:** I think everybody should have in front of them a surplus list for the City and the Police Department. Sgt. O'Donnell went through today and got the list together and we would like to be able to surplus this. Gloria Taft made motion to surplus. Dana Bischoff James 2<sup>nd</sup>. Motion carried 3 in favor; 2 absent; 1 abstain. Chief Puckett: Last Thursday Col. Patchin emailed everyone a proposal and I also put a hard copy in everyone's mailbox about purchasing five cars. At the present time we've got five vehicles in our fleet that have over 95,000 miles on them. The proposal is to buy five additional cars and the cars will be paid for out of the tow lot money. It would be \$220,000 worth of cars but would be no expense to the

taxpayers. Clinton Kline: Where does the tow lot money go now? Chief Puckett: We've paid for half the fence at the tow lot, there is about \$18,000 worth of cameras and security equipment we've put in the tow lot. We've paid for a lot of things out of the tow lot that hasn't come out of the taxpayers. Bernie Brown: Do you know what the balance is right now? Chief Puckett: Right now there is about \$34,000 in there. And to date we've brought in about \$82,000 for the first ten months on the year. Clinton Kline: How long of a lease is that? Chief Puckett: It will be five years. This would get us through this Fiscal Year and next Fiscal Year without buying any cars. We wouldn't have to purchase any cars until the 2016-2017 budget cycle; then we would be back on purchasing five cars a year at that point. Clinton Kline: Have you leased cars before? Chief Puckett: Yes. Clinton Kline: Which arrangement works better? Chief Puckett: If we paid for them up front you wouldn't have the lease payment and any finance charges; but when you lease them at the end of the lease you buy them out for \$1.00. It will be a way for us to get five cars and it won't cost the taxpayers any money. We'll pay for them for five years out of tow lot money. Clinton Kline: When was the last time we bought new cars? Chief Puckett: Last year we bought two and the year before that we bought seven. Bernie Brown: You feel pretty confident that the tow lot money will pay for all of this? Chief Puckett: Yes sir. Clinton Kline made motion to approve. Bernie Brown 2<sup>nd</sup>. Motion carried 4-0-2 absent.

**Fire Chief Layne Troutman:** This weekend the Fire Department responded to 394 Carpenter Street to a structure fire. On Dispatch it came out as a possible rescue. The Department was dispatched, arrived and had the fire knocked down and pulled one victim from the residence saving his life. He's currently at the U of L Burn Center. He's in serious condition but as of right now has survived and hopefully will continue to improve. This is the second time this year that this has happened. Both times due to the fast response of the Fire Department it's made a difference. This time it did make a difference; last time unfortunately it was too late to save that victim but we got her out. Both times within 8-10 minutes of the dispatch the Fire Department has been on scene the fire extinguished and the person out of the building. The true miracle of this most firefighters go through their entire career without ever having to pull anybody out of a house. We have one firefighter on our Department that within one year he's pulled two people out. He's only been in the fire service a short time. One of these guys is a paid firefighter and the other is a volunteer. They did a tremendous job and I just want everybody to know that we have one of the best Departments around. The other thing is I put some stuff in your box and sent an email out for you to look over. I told you any time I came across a really good deal that could save the City lots of money I would let you know. This is definitely a deal that could save some money. Just look over it and if you want to talk to me call me. It won't last long. It may only last two or three weeks with the pricing on it. Bernie Brown: Where is this located? Chief Troutman: It's in Pennsylvania. City Attorney Wantland: Chief Troutman where are we on our fire truck coming from Wisconsin? Chief Troutman: The fire truck is here. Engine One is back; it's at our mechanic here in Shepherdsville. They are a Seagrave dealership so it was delivered there. There was a backup camera that had to be replaced on it so they are in the process of replacing that; other than that we are just waiting to get it paid for by the insurance company. I've sent them emails but I have not heard back from Mr. Daugherty yet. City Attorney Wantland: And you'll advise me with Seagrave as far as the billing. Chief Troutman: Yes, I've sent him that he has the itemized pricing. City Attorney Wantland: I haven't seen the itemized pricing. Chief Troutman: You should have I sent it. City Attorney Wantland: Not with the C's. Chief Troutman: It's the change order forms. City Attorney Wantland: I've send those on but I thought he was going to go through the entire list again. Chief Troutman: When he and I talked the other day basically on those forms whatever is marked C is what we're responsible for everything B is what the insurance company is responsible for. City Attorney Wantland: I have not seen the Bs and the Cs. I've seen the change order forms without the letters. Chief Troutman: It's in the contract. He has that. That's why I'm waiting on a response back from him. As far as our loss of use, we haven't really talked about it yet. City Attorney Wantland: We need to talk about that and get this thing closed out.

**Mayor Ellis:** I do ask that you keep Jerry Pile in your thoughts and prayers. He had surgery last Wednesday and I spoke with his wife late last week; he was in the hospital due to come home either yesterday or today.

**Mayor Ellis:** I would like to bring up **Scott Fleming & Arthur Jones** up to the podium. We talked last week about some FEMA stuff so I'm going to bring Arthur up to update us on where we're at. You should have

some paperwork in front of you. Arthur Jones: What we've done is we convened and went through the list of all of the preliminary mapping that FEMA gave us and they gave us a summary that went through and said out of all the changes we have not only on the map they also made changes to all the letter of map amendments; all the letter of map changes we have in the City. We have quite a few of those and on the chart that I gave you you see a list of the main groupings of those letter of map changes. What Brenda, the Mayor and I were able to do is go through and reduce down a list of 13 pages of properties down to this single page that give us a summary of just how bad the situation is for the people that were previously taken out of the floodplain but are not being said that those LOMAs or LOMRfs are not going to be honored by FEMA and are therefore going to be thrown back in to the floodplain. River Oaks 124 lots; Oak Grove 105; Bullitt Creek Condominiums 4 lots; over in Mallard Reserves 120 lots; Mallard Lake at 5 lots; Villas at Mallard Lake is 50 lots, Mallard Pointe is 80 lots and Hensley Estates we have a total of 77 lots. So these 565 properties in totality were brought out of the floodplain through letter of map change; letter of map amendment or letter of map revision based on fill and FEMA is now placing them back in the floodplain and if you look in the column right next too, the far right, the second column from the right, you see the elevation difference from the newly proposed elevation of the floodplain and the reported lowest elevation of the lot that they had on their LOMAs. So were looking at a small change in several of these locations; we're looking at 6" or less on I would say 80% of these lots and then in one subdivision there is a whole foot of change that we're going to have to overcome or they will just be on an individual basis. In my personal opinion if you have a foot change it is going to be an individual property situation because there is just too much real estate between the homes to be able to make sure that they are kept out of the floodplain. But if there is a smaller amount of change, 6" or less, you stand a greater chance of getting those large chunks out of the floodplain like we discussed earlier. Mayor Ellis: What are your thoughts on the price on this would be? Arthur Jones: It would be varied based on the subdivision of course. Whenever you come to a small section of homes where you've only got four or five lots together in the instance of Bullitt Creek Condominiums you're looking at; these are numbers I'm just guessing at so this is a ballpark figure, you'd be looking at somewhere around \$300 a home if you are in a small situation like that but still in a cluster you could make that happen. I know surveying companies would bid to do that in a roundabout way. We were looking at larger sections of homes. You're looking at more; the issue is not going to be what's a one shot deal because if they were going out there to pop an elevation and tell you what it was, that's one price; but in many instances they will be going out there and letting the homeowner know what their level is, and then coming back to verify those levels. Because these properties are currently out of the floodplain it's okay for them to edit their elevation. But if you are in the floodplain you cannot fill in the floodplain. That's why we targeted these areas because these areas are "out of the floodplain" based on letter of map change and so therefore can allow an edit to their elevation of their lowest adjacent grade or any grade around their home. When you're talking about a larger portion of land; price estimate for that you're talking about a larger dollar amount; you're talking about a larger lot amount but as far as per lot cost you should probably be able to get that reduced down I would think more in the range of about \$200 a lot if you're looking at over a 100 lots in a cluster. But that's pure speculation on my part without doing a full proposal. Dana Bischoff James: Does anyone have a number on how many residents are adversely been impacted by this; complete in Bullitt County and/or Shepherdsville. How many residents are adversely affected in its entirety? Arthur Jones: Wouldn't it be everybody? Dana Bischoff James: Yes because that will affect your property value as well so yes but those I guess that are directly impacted. I know that we have a couple neighborhoods that they were built up high enough. My personal property where I live I'm on a hill; but how many homes in its entirety? Arthur Jones: In Bullitt County we have 5000 properties in the floodplain. Dana Bischoff James: That was from 2004s mess? Arthur Jones: In totality for the proposed 2014 maps there are 5000 properties in the floodplain. Dana Bischoff James: I was guessing a number double that. Arthur Jones: If you were to reduce that or increase that number by looking at people that may be impacted as far as structures on the property because if you look at some of the developments ... Dana Bischoff James: Some are not structures some are land. Arthur Jones: And you also have the instance of mobile homes where it's a single parcel; so it's only one property but it is a lot of residents. I wouldn't know what to speculate but something more than 5000 properties are influenced. Dana Bischoff James: If I may since we're on FEMA I have worked with Caleb Eaton, he's the one you all have met a few times. There are five steps that can be taken in order to file an appeal. Those appeals must be filed by December 31st as a homeowner. It's simple; it costs less than \$4.00. I have played phone tag with the Clerk's office in trying to find out if there is

something we as a City or even I can do personally to try to help people. But the more people who fight it and the more people who join arms the more likely we are going to get some changes and/or slow down the process and so if anybody would like information on that please come see myself. And I'm also for those who are not computer savvy I'm working on finding a venue where if you need help filing these appeals I will be available so if anybody needs help on that please come see me. I'm looking at the appeals process just doing what I can to help but I do appreciate you all giving advice and leeway on this. Mayor Ellis: We are going to work hard on it we've just got to know how much we're looking at. Dana Bischoff James: One question I do have is once they put these homes into the floodplain as you've stated they cannot elevate at that point? Arthur Jones: If you're in the floodplain then you will have to have permission in order to fill in the floodplain. Anytime anybody has any property in the floodplain they must gain access to that floodplain for filling purposes through Division of Water and that's an application you not only have to send in to Division of Water in Frankfort but you also need to file here at the City as well. You need to let us know if you are ever making any plans to fill in the floodplain. Otherwise you can be shut down. Dana Bischoff James: So these homeowners, what is your professional advice then? Arthur Jones: If I were to give advice personally for myself and affiliated with no one, not even the City, my advice would be the City is working on some appeals right now that in my professional opinion will make an impact and therefore I advised someone of the phone today not to; even though he's out of the floodplain; I told him I would hold off until February until you know for sure what those numbers are because until FEMA comes back and says now these preliminary numbers are actually real numbers then we're working off a draft. We are not in a final state at this point. FEMA does not have the teeth to tell us exactly what our floodplain is and so until this appeal period is over I do not think that it would be in everyone's best interest to go and spend a lot of money doing a lot of appeals and doing a lot of fill. Dana Bischoff James: The appeal is less than \$3.00. That and if they don't file by December 31<sup>st</sup> .... Arthur Jones: It depends on what type of appeal you're doing. But yes. Dana Bischoff James: That is from FEMA's website. So that is something if they don't file by December 31<sup>st</sup> so that is something I am going to advocate because it does slow down the process. They stood here in the meeting and said they have to look through every appeal. Arthur Jones: Yes your appeal should go through Brenda Weidekamp, she is our floodplain coordinator; so any and all appeals that are going to Division of Water. Dana Bischoff James: Through FEMA's website. Arthur Jones: Any and all appeals that go to Division of Water who has been contracted to do the work for FEMA should go through our floodplain coordinator Brenda. So that it goes from one source; so the City has record. This is an instance of the City having record of the appeals we submit so that we know and we can hold them to ... Mayor Ellis: Let's get some other surveyors on the phone and get them in here and see what kind of price we're going to look at to survey these areas. That way we have something more to give back to the Council on that. We have to do something whether you're doing this project or you figure out a way to dig a detention basin you're doing something in this City. There is no way you can wait. We have to do something. Even if our appeals work you still need something because they are going to come back again. You're looking at every ten years they are coming in here and doing flood elevation maps. Bernie Brown: We're going to need more money. Mayor Ellis: You're right. We need more money and again it's the Federal Government sticking their nose in a City area saying you are going to do this; like we dealt with the EPA Bernie you were here you know exactly what I'm talking about; you're going to go out here and you're going to finish this sewer line but we're not going to give you any money to do it. And this is what you have with these FEMA maps. We want you to do it but we're not going to give you any money or help. Bernie Brown: When do you expect to get an appeal sent from the City? Mayor Ellis: Arthur and I talked several times on the appeals. I don't want to send an appeal in tomorrow because when they shoot those down or if they do shoot those down then you're done until January. I want to send one in sometime the mid part of December that way they don't have as much time to shoot us down on it. We're going to send four in to them. I'd rather have if they shoot those down we have a glimmer at the end of it and it at least puts it off for a while.

### **Council Reports:**

**Gloria Taft:** I was looking over the numbers from Bob for our City Audit and I just want to touch base on a couple things. Our revenue increased which is money brought in to the City. The expenses for some services decreased; which means the expenses are going in the right direction which allows for future needs for our City, being able to pay cash for cars, paying off debt early, those are things that we need to

do. We are conservative in estimating our revenues; which means we're starting off spending less money than we even think we're going to bring in; which is fiscally conservative. We retired debt early; we paid off two major bonds; our total debt payoff was over \$2 million in last Fiscal Year. Our unemployment rate is less than the average unemployment rate in Kentucky cities. Our property taxes went down and all in all it looks like our City is moving in the right direction.

**Dana Bischoff James:** I do want to thank Heritage Hill for their professionalism and I'm very impressed with your professionalism and I'm very impressed with your presentation and thank you. Also I just want to reiterate FEMA is something that everybody is working towards and I appreciate Scott and Arthur for their work on this and I really appreciate Caleb Eaton following up with this and again if anybody needs help filing the appeals there are three documents from City Hall that you will need to meet with Brenda on and two other documents from the Clerks' office. **Caleb Eaton:** I submitted mine two weeks ago and mine got approved. Mayor Ellis: Your appeal got approved? Mr. Eaton: Yes. Dana Bischoff James: And this is Caleb Eaton that I've been working with and he has been a forerunner in this information. Mr. Eaton: It took roughly about 2-1/2 hours to collect all the information to do it but now I'm only grandfathered in for what the old maps show and from speaking with FEMA they said there is no way I can find the information I have to call FEMA every week if I want to know when the final map date is and currently it is set to go public September 15<sup>th</sup> depending on appeals. If Brenda is the one that files all the appeals it will make her life very busy but an individual person can do it and if how every many people do it; the more appeals that get put in the more that pushes back. Dana Bischoff James: I am working on getting a central location where I can help the people who do need help and as soon as I get that I plan on going door to door to as many people as I could because some people don't read the newspaper; some people don't really look at their mail and this is an urgent matter than is very important. Some of the residents that I spoke to it varied from \$4000-\$5000 increase in flood insurance to as much as \$10,000 & \$12,000 depending on the value of your home. This is coming from the residents there again there is a substantial difference in the value of the home itself. I have some other information but if anybody would like to meet with me personally I am available; I will get your contact information and as soon as I can get a date to be able to meet with people on a grander scale to be able to help I will and I will go door to door prior to that as well trying to meet people and make sure that I'm assisting however I can in the City.

**Bernie Brown:** Can you give us any update at all on those four properties that we're trying to get cleaned up? **City Attorney Joe Wantland:** We're having what I refer to as a lot of opposition from the property owners. 242 Circle Drive has been cleaned up and resolved to the satisfaction of the Code Enforcement Officer. 208; she has been served with her process; she has 20 days to file a written response. That time has not elapsed. But she has been filed; she has been served. She's attempting to sell that property. I'll contact her this week and say something has to give. I think that's one piece of property that unfortunately I think we'll have to be raised based on the information I'm receiving from the neighbors. We had that same problem on Hester Street. I have a motion coming up Monday in front of Judge Burress to prohibit that property from being released. I've been contacted by a Pastor of a church who wanted to put a person into that property and call it low income housing. The Code Enforcement Officer says pretty much the property is open; it's not secure; it's not good for human occupancy so I'm asking the Judge to keep that from happening until we can resolve that to either the property is repaired and again it may be raised also. The property on Beech Grove Road again that's in Court. Judge Burress has ordered him to clean up around the building. There is some claim and dispute as to who owns what is left of that structure. I think that will be resolved. That's in the Court of Appeals; that will be resolved any time now but I think in speaking to the lender on that tract they are going to raise that tract once that litigation is concluded. They understand that it is going to be their responsibility to raise that building. Hammonds (44 West) comes up in Court January 5<sup>th</sup> or 6<sup>th</sup>; again the Code Enforcement Officer is going to be there. The property owner is going to be there; the adjacent property owner. That's the County Electrical Inspector, I think he's being subpoenaed to be there also; that's who asked to disconnect the service to that property but that's where we're going on these. The people would rather fight than cooperate. That's a good way of saying it. Bernie Brown: I appreciate what you and others have done. I know it's not a very pleasant task to tell somebody they have to clean up and do something. But I think it's necessary for the sake of all the neighbors; the value of their property and all. So I think it's just something that has to be done. City Attorney Wantland: It's amazing they are willing to

spend money to fight rather than spend money to fix. Scott Fleming, Arthur Jones, Mayor, this City does a lot of service for its inhabitants, our citizens and again we're getting closer to an end of a term and an end of a year but again this Council when you look back at what has been started and what's being completed and what's being done it's pretty substantial. Again we are cleaning up your town; collectively this Council is cleaning up your town. We are fixing roads, we are constantly trying to serve you better and I think we've got the A-1 Police Department, I think we've got the A-1 Fire Department, I think we've got the A-1 Council. They are just very concerned people and they are service oriented and they demand a lot from not only the lawyer but the Police Chief, Fire Chief, and right down the line. They expect a lot to be done and for that you all have a lot to say thank you to this Council because the Council says we are here to serve and we're going to do that. Bernie Brown: I've been meaning to ask about it and I forget it until I come up over the hill up here. About 2-1/2 years ago maybe a representative from the Water Company came and gave a presentation expressing a concern about all the erosion that has taken place and the water lines are becoming exposed. What's been done about that? Do you know what the status is? Mayor Ellis: That would be a Jim Rice and Jesse Flynn, Flynn Brothers Construction issue because it's on their property over there off to the side. I know at one time we met with them at Medline about some erosion issues there and we told them that was not our issue it was theirs as the property owner. I haven't heard anything else about it. He wanted the City to fix it and it's on their property. Bernie Brown: Have they been contacted about up over the hill. Mayor Ellis: They've been contacted about everything through there. Bernie Brown: What's their response? Mayor Ellis: They want the City to fix it and my thought is if it's over on the property it's not a City issue it's their issue. Bernie Brown: Sooner or later I think something is going to have to be done. Mayor Ellis: Something is absolutely going to have to happen. Bernie Brown: I think pretty soon too. Mayor Ellis: I think it's going to end up happening where the City is going to have to pay for it. If something needs to be done that's what's going to have to happen I think

Clinton Kline made motion to adjourn. Dana Bischoff James 2<sup>nd</sup>. Motion carried 4-0-2 absent. Meeting adjourned at 8:09 p.m.

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

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