

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, June 8, 2015**

Pastor Randy Pace, Family Worship Center gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:31 p.m.

Council members present: Larry Hatfield, Dana Bischoff James, Ashley Bratcher, Bernie Brown, Gloria Taft and Randy Hammond.

Mayor Ellis asked for a motion to dispense with reading of the minutes from the 5/11/2015 regular meeting. Bernie Brown made motion to dispense with reading. Randy Hammond 2nd. Motion carried 6-0.

Mayor Ellis asked for a motion to dispense with reading of the minutes from the 5/26/2015, 5/27/2015, 6/2/2015 and 6/4/2015 special meetings. Gloria Taft made motion to dispense with reading. Dana Bischoff James 2nd. Motion carried 6-0.

Mayor Ellis asked for a motion to approve minutes as written from the 5/11/2015 regular meeting. Ashley Bratcher made motion to approve 5/11/2015 minutes as written. Dana Bischoff James 2nd. Motion carried 6-0.

Mayor Ellis asked for a motion to approve minutes as written from the 5/26/2015, 5/27/2015, 6/2/2015 and 6/4/2015 special meetings. Ashley Bratcher made motion to approve special meeting minutes as written. Larry Hatfield 2nd. Motion carried 6-0.

Presentation:

Chad Lazwell, Chairman of the Shepherdsville Titans to address the Council on football practice location at First Street Park: I'm here asking for advisement on practice land for the Shepherdsville Titans youth football program. Just to give you a little history we started October 2, 1971; we are a founding member of the Greater Bullitt County Youth Football League. We participated in our first game October 2, 1971 where we beat the Brooks Saints 38-17; admission back then was \$0.25 and we are in our 45th year of existence this year. Just to give you some numbers that program where it started with four teams now consists of 36 football teams, 27 cheerleading teams and has over 1300 participants. What started as 400 people that came to watch that first game now have tens of thousands and we compete in over 180 games per year. Jim Cruse was the one who started and we believe that it is vital that we have a place to call home. Since 2002 the Shepherdsville Titans have called home to the following areas: Shepherdsville Elementary, the City Park river bottoms, the upper elevation of the river bottoms, the soccer fields before the YMCA came in to town; the baseball fields and now this year we go back to the soccer fields. We've already begun our cheerleading practice and our football is slated for July 6th. We do have a major concern with the practice facilities at the YMCA field. We have been told by the YMCA that we cannot practice on their soccer fields. When you eliminate the soccer field playing surface there is very little room to have four football teams and four cheerleading teams. On page two of the documentation that you have is just a brief sketch and it's very difficult to see but I've highlighted some of the things that cause alarm for us. On page three is pictures; area northwest one—this area is northwest of the concession stand and it appears to be a drainage ditch that runs roughly two foot deep and approximately 40 feet long; if you're running and you do not know of the drop you could definitely break an ankle or anything with a younger child. Area north one—which is outside the chain link fence; I recently went by there last night; it appears that area has now been mowed however where the slopes meet that is actually a ditch line. There is a lot of erosion in that area and it's not a level surface. Area E1—is one of the many pictures where someone has taken a vehicle; there is about a six inch rut a tire width that is all over the field. And area E2 in the same area is also showing signs of erosion. The last picture that was taken of a large boulder that is embedded in the ground; there are several in that area and this is like getting tackled out on a City street rather than ground. We also have issues about safety. During the time that football is played which is in the fall; and with the fall soccer season there is going to be

an estimated 150 cars parked at Simon Park where the soccer fields are. That is a lot of cars; one we are concerned about parking but too we are concerned that a young toddler or even a young child is going to wonder out in the streets and get hit. We have a huge concern about that. Lastly the storage facility; this is a picture of the storage facility at the YMCA; it's approximately 8 foot by 10 foot. Our equipment alone quantities is about 100 helmets that are currently at ASA being recertified, we have 100 sets of shoulder pads that are actually being stored in a board member's garage and we have 100 game jerseys and pants that are being stored in a board member's garage. It is estimated to properly store our equipment we'll need about 100 square feet or a 10x10 room. Security on two separate occasions I've been out to that building and found the lock to be unsecure. If someone took a notion to steal that equipment it would cost us about \$35,000 to replace. We have talked about purchasing a storage shed however we do have some questions, one is would we need a permit and do we have permission to put a storage shed on the YMCA area and then of course we do have concerns of security with someone taking a bolt cutter and snapping it and mostly we are concerned with the history of the organization and us changing places every couple years; are we going to have to move a storage shed which is going to be more cost for us to move to a new location. I do have some solutions; one is practicing on the soccer fields, initially I think it would be a great idea; however in the fall when they start their fall practice and we are still going through football practice we're going to have to be fighting for room in that immediate area; solution two is returning back to the baseball field. It's our understanding that one baseball field is being utilized and it is in good shape; however the other one at this time from my understanding is not being played on and I don't know if grass seed or anything has been laid; and although it would be tight quarters the Board feels that we could possibly practice on one field. Lastly would be the area behind Roby Elementary. We are definitely interested in playing in that area but we are a little unsure about who owns that property. I've been told the Board of Education owns it but I do not know that for sure. Mayor Ellis: That is who owns it. Mr. Lazwell: If they do own it could you provide us some steps on what we would need to do to get placed on their; I'm sure they have to sign us on or something to be able to practice at those facilities. Mayor Ellis: You would have to go to their Board meeting. Dana Bischoff James: Their Board meeting is next Monday the 15th at 6:00. Steve Larimore: Mayor, he needs to talk to Terry Price before he can go to the Board Meeting. Dana Bischoff James: It is my understanding that the rest of the teams within the League practice at the elementary schools; one of them is getting ready to practice at Eastside Middle. Mr. Lazwell: Yes, that is the Mt. Washington Colts; Lebanon Junction has their own facilities; Cedar Grove practices at the school; we have started getting some cooperation from Bullitt Central however Bullitt Central has really extended their hand on the A level because those students are middle school students; also another thing with high school for 22 years I've been a high school and college football official and I can tell you that if it is raining; if there is a chance of rain; or if there is any rain on the ground they won't even allow their Freshman or JV teams to play on their game field. They would rather cancel it that tear up their field for games on Friday nights. That's just the nature of the beast. Dana Bischoff James: What about and I know that the property and the land would have to be substantially corrected because of ruts and whatnot and I don't know if it would be considered Shepherdsville Elementary or Bullitt Lick but they have a large open field and again you would need Harley rake or something. Mr. Lazwell: We use to practice at Shepherdsville Elementary and then we were moved to the river bottoms at the Park but that was long before I was here. Dana Bischoff James: Where it is an issue with Shepherdsville Elementary? Would that be a better option? Mr. Knox: It floods quite frequently and water stands there. I live across from Shepherdsville and its not suitable conditions for football. Dana Bischoff James: So would Roby then be an option? Mr. Knox: We can go there but it would be behind there as well and again it is a low lying area and you get a little bit of rain in there and you are talking days out before you can practice. We practice three days a week. Dana Bischoff James: So what is your all's number one solution? What would you all prefer? Mr. Lazwell: I believe as a Board has discussed the three solutions that I've discussed would be in no particular order 1, 2 and 3 but I do think that we are kind of at the point where it's estimated that it's going to take about two acres for practice with four teams and four cheerleading squads. That does not include parking. A football field is approximately one acre and that is teams splitting the field. I think we're about open to any flat area that does not flood. We have even discussed of providing maintenance to the fields. Dana Bischoff James: And that's what the majority of the other teams do? They supply their own ground to keep up. Mr. Lazwell: Yes a lot of land like the Lebanon Junction Jaguars, the land was donated and they basically maintain it. If you've ever been out there its farmland all the way around it. But that portion of land was donated and they mow it and maintain it. In

closing I just want to say that in 45 years we have provided for the youth of our community. As someone that had a father that quit school in tenth grade; my mother quit in the twelfth grade, it was youth sports that motivated me to join the military, to earn my Master's Degree, my son who is 12 years old and plays football has really come out of his shell because of playing youth sports; and it's not just football it's youth sports in general so I believe it's a very important thing that we provide for various reasons to give our children something to do to possibly escape home issues and basically to become good citizens. It's like I said in my paper in 30 years one of these players could be sitting in your seat deciding very important issues for this City. Dana Bischoff James: I can relate. I was a Roby Raider's cheerleader and I think I would be the most backwards person had I not entered that sports arena. Would you like to follow up with the Board of Education and see what their response is and come back to us? Would you like for us to try to help take action? Scott Fleming: We can get with me one day this week; maybe I can help accommodate him. Bernie Brown: I was going to suggest something. Maybe it would be good to have a couple Council people get with Scott and look into this and get more details and then come back to the next meeting and let's see what can be done. Is this, by the way I appreciate and thank you for your help and service in working with these youth, I think that is vitally important in these days and times especially. This doesn't impact negatively or affect other youth in the area of Shepherdsville. Mayor Ellis: What you have is the YMCA with soccer that's competing for game and practice area that's in the Park. Bernie Brown: The YMCA has authorization to be using the Park? Mayor Ellis: Yes we enter into a lease with them every two years. Bernie Brown: The conditions that you describe and show us here; some of the facts I think need to be looked into. I would suggest a couple Council people and Scott whoever you want, Claude, look into it and come up with some recommendations so maybe we can talk about it at the next meeting if that sounds reasonable to you Mr. Lazwell? Mr. Lazwell: Absolutely Mr. Brown. Thank you for your time. Bernie Brown: I think it would be good right now to determine who is going to this. Dana Bischoff James: Can we have your email or phone number? (Mr. Lazwell gave his phone number to the Council.) Mayor Ellis: What three Council members are interested in working on this project? Gloria Taft, Dana Bischoff James and Bernie Brown if he can.

Old Business:

Mayor Ellis: It is my understanding we didn't get any bids for the cost of improvements for 200 Frank E. Simon Avenue being used for Drug Court. City Clerk Richmond: I received no sealed bids which is what was advertised for. Scott had two emailed to him and this is what came from Chuck McCreary in 2014. Mayor Ellis: Unfortunately we didn't get any sealed ones. City Clerk Richmond: I got no sealed bids and no numbers budgeted for this project. Bernie Brown: I think if we do anything here we ought to make it a long term lease. Mayor Ellis: That is one of the things that Chuck had mentioned; he's not opposed to go an extra term on it or even increasing the quarterly rent on it. We'll make copies of these and put them in everybody's boxes to look over and we'll talk more about in on the 22nd. City Attorney Wantland: Madam Clerk we have one addressed to the Jefferson Hall of Justice. City Clerk Richmond: That is the one Mr. McCreary sent in to us. Mayor Ellis: They hand delivered that one to me. Bernie Brown: Did it now comply with the ad? City Clerk Richmond: I didn't get any sealed bids. City Attorney Wantland: No one gave a sealed bid and I think it's obvious that this is for 200 Frank E. Simon Street which is the address. But it's addressed to the Jefferson Hall of Justice so I don't know if you just want to say that it's non-conforming or have them resubmit with the correct address to the City Council of Shepherdsville and identify it as 200 Frank E. Simon Avenue. VC Construction Company which appears to be in a good form; and Millers Construction appears to be in a good form as well.

City Attorney Wantland had second reading of Ordinance 015-(number to be assigned) authorizing the City Council to employ a licensed attorney at contractor for legal services to assist the Council pursuant to KRS 83A.190(9). Larry Hatfield: Joe, the last time we were talking about this did I understand you to say that we would have to meet in a public setting? City Attorney Wantland: You can meet in a closed setting but you've got to have your results in an open setting. Larry Hatfield made motion to accept. Dana Bischoff James 2nd. Bernie Brown: I'll just say this before anybody that might think otherwise. I think whether it be for this issue or anything else when it comes to spending the taxpayer's money I don't think that one or two or three Council people are going to go off and make any commitments to spend it. I think it has to be done by a vote of the majority and that should be done in public so we have total transparency. Larry Hatfield: I agree. Gloria Taft: I just want to make sure that we are using KLC for our information first. They are already paid

for and since this has to be done with a quorum of Council members I don't see it as a particularly bad idea. Bernie Brown: I can answer you by saying that I contact KLC attorneys quite frequently, in fact today I was in touch with them and I honestly think that they are very useful and a very good resource. But they are not going to get into; they will answer questions for any City; they don't hire out for one City to serve as legal for that City. Gloria Taft: No, they are for informational purposes only. Bernie Brown: Absolutely and I totally support that and I do use them. Dana Bischoff James: I concur. I agree that KLC should be our first stop. Motion carried 6-0.

Mayor Ellis stated next will be the Public hearing on use of 2015-2016 LGEA Fund and Municipal Aid Funds. Larry Hatfield: We're not allowed to use this money on sidewalks are we? Mayor Ellis: Yes you can. We've actually allocated some money for sidewalks. There was no public comment. Bernie Brown: I think there is a list of streets to be resurfaced? Mayor Ellis: Yes, they've actually started working on several. Bernie Brown: I wonder if the whole Council could get a copy of that. Mayor Ellis: Absolutely. City Clerk Richmond: For clarification sidewalks should be \$45,000 and CSX Crossing should be \$12,000. Bernie Brown: The planned resurfacing that you have; does that coincide with this budget for this Fiscal Year? Scott Fleming: A lot of the numbers you see there; we just had paving done in the last three weeks so it may not show on what's going to be paid out. Bernie Brown: But the planned repaving that you have on schedule that would comply with this budget? Scott Fleming: Yes. Mayor Ellis: It is \$415,000 in paving. Bernie Brown: There is no more resurfacing planned for this year is there in Heritage Hills? Scott Fleming: No sir. Larry Hatfield: What about Frank E. Simon? Are you all going to do anything out front there? There is a pretty good dip there. Scott Fleming: We're looking to do that also. Larry Hatfield: What about Joe B. Hall? The one going to Kart Kountry; there are some bad spots on it. Scott Fleming: Yes. Bernie Brown: That's pretty heavily traveled. Bernie Brown: Yes It is. City Attorney Wantland: They've done a good job on what they've done so far. Bernie Brown: Yes they have. I've got some comments on how much improved it is on what has been done already. Gloria Taft: Have you got any quotes on the sidewalks yet. Scott Fleming: No ma'am. We're actually waiting on a rendering from Qk4 that we can send out and to let people bid. Bernie Brown: I have been asked about it. Who is paying for and doing the repair on a lot of the streets in the east here? Mayor Ellis: That is the Commonwealth of Kentucky Department of Transportation getting in with ADA compliance. They are using the water company's barricades but it's the Commonwealth that is actually fixing them. Bernie Brown: Just for your information Dennis Mitchell and I are planning on going and meeting with some of the District 5 people. We need a little more help and support from them. There are some real drainage issues being caused from lack of attention in some of the drains involving the State right of ways. I left a message a good six weeks ago and I never had gotten a return call. Some of this involved the County as well so we're going to see what we can do about getting a little priority. Ashley Bratcher made motion to accept LGEA/MAP budget for 2015-2106. Gloria Taft 2nd. Motion carried 6-0.

Mayor Ellis: Next on the Agenda is City Attorney Wantland to have second reading and public hearing on Ordinance 015-(number to be assigned) ADOPTING THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT. Dana Bischoff James: Before we begin I just want to make one clarification; page 4 of the Admin budget, there's a little bit on concern on the verbage. Line item 5711; I spoke to our City Attorney Joe Wantland today regarding this; I just want to make sure that the verbage of it because it falls under legal fees for the Council below that contractor services for investigation; is that understood to be Council or do we need to put by the Council with that line item? Or does it fall directly under legal fees, Council? City Attorney Wantland: Council would have to be the one to approve to spend the money so I think you're in excellent shape in that regard. I'm trying to find exactly where you're located. You're fine on that. You're going to be controlling that money. Bob Ryan: If I can answer Ms. James' question. That line is under 5711; the account number has just not been assigned to it—for legal fees; for contract services, investigator, it's a separate line item but has not been assigned an account number. Dana Bischoff James: Okay, may we add the words by the Council for that to that line item? Bob Ryan: Anything you want. City Attorney Wantland had second reading and public hearing on Ordinance 015-(number to be assigned) ADOPTING THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY ESTIMATING REVENUES

AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

Dana Bischoff James: With that one line item verbage change I would like to make the motion that we accept this budget. Gloria Taft 2nd. Bernie Brown: That motion is that we adopt this budget as it's presented? Dana Bischoff James: With the verbage change to the line item discussed. Bernie Brown: With all the line items being published as part of the budget. Dana Bischoff James: I can agree to that do we need to go back and redo that motion. Bernie Brown: Is that in your motion? Gloria Taft: We do not publish line item budgets. We publish the first two pages of the Ordinance or have in the past. Bernie Brown: Is your motion to include all the line items too? Dana Bischoff James: I personally this year would like to have the line items included in the publication. Do I need to go back? Mayor Ellis: You just need to go back and add that to your motion. City Attorney Wantland: I'm going to have to rescind my second because I don't know that with it being about 35 pages thick that's going to blow up the budget for our Administration printing just in one printing. Bernie Brown: I think that is something to think about. But I also think it's time that the public has good information about how the money is being spent; what for and for what purpose. I just think that's a good thing to do. City Attorney Wantland: Can I suggest a compromise? With the Ordinance put it in where you can go to the website and have these 35 pages downloaded to a website where people could examine it. Ashley Bratcher: That's a good idea. City Attorney Wantland: That avoids the cost. Bernie Brown: What about the people who don't have the internet? City Attorney Wantland: They don't get the paper either. Larry Hatfield: How much would it cost to publish this line item? Gloria Taft: What does it cost just to publish the first two pages Tammy? City Clerk Richmond: Less that \$1000; maybe \$500. I don't know but if you publish every bit of this you're looking at probably two full pages of the paper and that's going to cost you \$10,000 and that's going to blow my budget right out of the water off the map. Gloria Taft: Personally I don't feel that's a good use of people's money just to put things in black and white that they are going to throw away at the end of the day. Bernie Brown: It's letting the people have access to the information that they want. Gloria Taft: If somebody really wants this information Bernie they can come in and ask for it. Steve Larimore: I think the people that really care about the line items are showing up for meeting and you don't need to worry about that for everybody else. If you don't show up and get involved they can come up here and look at it. I think it's a total waste of money. Gloria Taft: There is not that many people who do not have internet access. A lot of people have it on their smartphone. Ashley Bratcher: And if they don't you can go to the library and look it up also. Dana Bischoff James: So you're saying to publish this would be about \$10,000? City Clerk Richmond: It would be extremely high. I can't give you the dollar amount. Is that a ballpark number though? City Clerk Richmond: Stephen? He doesn't know either he doesn't deal with the advertising side of it. Stephen Thomas with the Pioneer New: A million dollars. I don't know. Whatever Tammy says is probably fairly accurate. Faith Portman: Can't you put it in the paper that if anybody wants a copy they can come to City Hall and get a copy. Larry Hatfield: You will put it on the website with line items? City Clerk Richmond: Yes. Bernie Brown: There is one other issue though that I will mention and this is not my idea this is coming from Kentucky League of Cities attorneys. If we just do the two pages that got read here a while ago the rest of this is not binding at all. It gives lots of money to be spent and it can just be spent. The Council loses all control unless they amend it they lose control. Dana Bischoff James: Mr. Wantland is there a way to put a clause in it stating that if anything was to be changed per line item that it would come back to the Council? City Attorney Wantland: Just put it in your motion. Dana Bischoff James: Let me rescind my first motion and make a new motion that I would like to accept the Ordinance as is with the one line item including the verbage by the Council #5711 and then if a line item has funds to be changed or moved around that they come back to the Council for amendment and we would have a website and access for the general public if they do not have computer access that they receive one copy with ID. Gloria Taft 2nd. Bernie Brown: I'm going to say a little something. We're adding, the way I see it here and what I've found out, we're adding 8 new employees this budget does, 8 full time and 4 seasonal. That is around 20% increase in the total number of employees which I think is a pretty large jump for one year and I will say this. I know that we've been annexing and annexed hundreds of acres of land south of here. It's not developed yet but it's going to be developed. I just think that's something to think about. Police Officers, you know we've got the School Resource and I'm not against that School Resource but I do believe the School Board needs to help fund that. Mayor Ellis: As soon as we hear when the meeting with them is I'll definitely be passing that along to everybody. Bernie Brown: And I can tell you this, the School Board is sitting on quite a pot full of money held in reserve. I mean that's public information. Gloria Tart: I emailed all the members of the School Board today requesting that they assist us with funding to School

Resource Officers. Bernie Brown: If they will take some of that expense and I have no problem with having School Resource Officers but the kind of money that the School Board has and raising the taxes every year I don't think is asking too much for them to help pay some of the cost. And that is one reason why I'm a little hesitant but talking about this budget I will say I want to express my appreciation to the Council, to the Department Heads, who have been very patient and cooperative in resolving a lot of questions so I do think we've come together here with a better budget than I've seen for a while. Dana Bischoff James: We have endless hours in negotiating and working with Department Heads and collaborating and trying to form a unity between the legislative branch and the ones who actually execute the day to day operations of the City and I thank everyone because we have bent your ears, we have come to you, spoke to you several times requested additional meetings outside of meetings and I do appreciate those who have worked with us and hopefully our fruits will prove to be worthy at this point. There was no public comment. Motion carried 4-2-0. Larry Hatfield: The only reason I'm opposed and I hate doing this but I just can't get over this; there is a lot in the General Fund budget that I like; but I'm not for hiring 8 people. I do appreciate the Council working as we did but I don't think we need to hire 8 people.

City Attorney Wantland had second reading and public hearing on Ordinance 015-(number to be assigned) ADOPTING THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, SEWER OPERATION AND MAINTENANCE BUDGET FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE SEWER DEPARTMENT. Gloria Taft made motion to accept. Dana Bischoff James 2nd. No Council discussion or public comment. Motion carried 6-0.

New Business:

Mayor Ellis: Discussion on inspection services for the Highway 44 Sewer Improvement Project. Everyone should have a packet from Brad Armstrong Surveying and Engineering. Larry Hatfield: I think we need to leave the inspection fee at Qk4. We started with Qk4; they've been doing the project, so whatever everybody else wants to do. Mayor Ellis: Is that a motion to leave it with Qk4? Larry Hatfield. Yes I'll make a motion to leave it with Qk4. Ashley Bratcher 2nd. No Council discussion. Bernie Brown recused himself from voting on this issue and Dana Bischoff James abstained. Motion carried 4 in favor; 1 abstained; 1 did not vote. Arthur Jones with Brad Armstrong Engineering addressed the Council with his displeasure at not being able to bid on this project.

City Attorney Wantland to have first reading of Ordinance 015-(number to be assigned) confirming annexation of unincorporated territory adjoining the City of Shepherdsville referred to as KSR 245 Corridor adjacent to KRS 61. Mayor Ellis stated the second reading would be June 22nd.

City Attorney Wantland to have first reading of Ordinance 015-(number to be assigned) confirming annexation of unincorporated territory of 164.6 acres (+,-) by written consent of all property owners of record (Longacre property). Mayor Ellis stated the second reading would also be June 22nd.

Dana Bischoff James asked Mr. Farris if he could give any updates on the progress of the road. Eric Farris: Friday a number of us met with the Governor's Chief of Staff, the Secretary for Transportation, the Deputy Secretary for Economic Development and a few other of the folks that the Governor had arranged for us to meet with. They were very encouraging about our ability to move forward pretty quickly with the initial phase of the roadway that is required and to that property they were extremely impressed with the City's commitment and that essentially put them over the edge as far as the nudge to get moving there. It's resulted in yet another meeting being scheduled next week, June 18th, to see if they can pin down the sources of funding and what might be able to be done. Meanwhile we're going forward on the parallel tracks with other due diligence and rezoning applications are pending for public hearing Thursday before the Planning Commission; this annexation if it passes will be done at about the time the referral of those files will be sent over. We're trying to make sure everything is on track to meet the timing being required by the government and by the developer.

City Attorney Wantland to have first reading of Ordinance 015-(number to be assigned) confirming annexation of unincorporated territory of 217.75 acres (+,-) by written consent of all property owners of record (Salt River Development property). Mayor Ellis stated the second reading would be June 22nd.

City Attorney Wantland opened bid on non-exclusive franchise to use certain streets, alleys and public grounds of the City for the purpose of owning, operating, equipping and maintaining a system for telecommunications services. The bid is from Windstream for a non-exclusive telephone communications franchise. They are submitting a check in the amount of \$500 to cover the administration costs and I assume that's their bid. It's the only bid. Bernie Brown: Is there any urgency on this. I'd like for our City Attorney to look it over. City Attorney Wantland: It's non-exclusive. I did that. I changed the format from the past from and exclusive to a non-exclusive telephone communications franchise. In practicality their telephone poles are already in our right of ways and that's what they are acquiring the use of by this franchise. I don't think anybody wants anybody to take down any telephone poles. So I think it's a formality to bring everything up to date with Windstream but I would recommend the Council at this point since it's non-exclusive to adopt it. The telephone poles are there now. That's the issue. What has happened is due diligence was not done in the past and the franchise was not renewed so technically the phone company had no permission to have their telephone poles in the right of ways so that's what we're asking for. Bernie Brown made motion to accept. Dana Bischoff James 2nd. Motion carried 6-0.

Daryl Lee: No report.

Duane Price: We've got a conditional use permit for Tom Huff to operate a day care center for pre-school, kindergarten on Raymond Road. And we have two variances on reducing parking spaces for Crossdock Development at Lot 1, Salt River Business Park. Our meeting is Thursday if you would like to come.

Sign in Speakers:

Mike Bratcher: I own a piece of property on Second Avenue, both sides of the road. Second Avenue dead ends at the railroad track. I'm here to see if I can get the City to donate the road to me from my property line back to the railroad track. There is also a 20' alley that runs along the railroad track; it's not an alley it says there's an alley but there is nothing there. We want to put a drainage easement through there and get rid of that alley. Larry Hatfield: The drainage easement will be the City of Shepherdsville's. Mr. Bratcher: Yes. We'll put a drainage easement through there for them or whoever needs to get in there to keep it clean and make everything work well through the property. I think there is only about 130' of blacktop at the end of the street from my property line the remainder of that property is just dirt that runs the rest of the way to the railroad track. I think you all have a copy of this. City Attorney Wantland: Mr. Bratcher has the Fire Department seen that? Mayor Ellis: Do either of my Chiefs see an issue with this? Neither did. Gloria Taft: Do you plan on building on this property? Mr. Bratcher: Yes. I'm going to build some apartments; two-four plexes and a six plex. Gloria Taft: How are your people living in these going to know that this is now your responsibility to make sure that this road is kept up to City standards? Mr. Bratcher: I honestly don't know how to answer that I guess. Gloria Taft: If there is a pothole in there your residents being renters are going to assume that is a City road so they are going to call the City and want us to fix the pothole when if we transfer this to you it's your responsibility to fix the pothole. So if you don't fix the pothole it is then going to fall back on the City. Mr. Bratcher: No it won't fall on you all it will be my property it will be my responsibility to keep it fixed. Gloria Taft: But if it is never fixed we then are going to have people that are back there, voters calling us saying you need to fix my road and I'm trying to tell them it's not our road it belongs to Mr. Bratcher we still have people that are disgruntled. City Attorney Wantland: We can put in the deed that he has to maintain it. Mr. Bratcher: I don't know how to answer that. Brad Armstrong may be able to help me with that. Gloria Taft: What I'm saying is I'm looking at trying to take care of this because we have had problems with privately owned roads before being in severe disrepair and the people that live on these roads are very unhappy. Mr. Bratcher: It's basically going to be part of the parking lot versus part of the road. Brad Armstrong: If the City would choose to close that part of the street then it would be part of the parking lot. Mr. Bratcher: That's why we're basically trying to do it; if the City gives me the street I can use that as my parking lot; if they don't I will have to apply for variances because I would have to park partly in the right of way per se. Brad Armstrong: Building setback lines will be eliminated too. It would be all his

problem it wouldn't be a City problem. City Attorney Wantland: You can service it with a fire truck? Brad Armstrong: Right now a fire truck can't turn around; if the apartment goes in with a big parking area then a fire truck and turn around. Fire Chief Layne Troutman: If this is to go through it will be easier to access for fire apparatus. If they City does vote to give it to him they can also post a sign there that it is a private drive from that point on. Randy Hammond: Are you going to have signage in both entrances stating what apartment complex it is because that will kind of delineate where you are? Mr. Bratcher: Yes. Larry Hatfield: How do you get back to our 15' easement? Brad Armstrong: Through either the apartment property or 3rd Street, it's the 20' alley that's connected to 3rd Street so you could come through the next street over and still come up to the alley. It's an old alleyway from back in the early 1900s actually. It shows up on the plat of that part of town and says that it's a City alley. City Attorney Wantland: Mr. Bratcher, Mr. Armstrong is going to furnish me a plat and legal description. I need for you to furnish to me how you want to take title. Larry Hatfield: I think we would need to put a 15' easement. Brad Armstrong: That's my advice to the City also is to close the alleyway but keep a 15' drainage easement all the way through that alleyway because we've got drainage issues. Mr. Bratcher: I think he was also talking about a 15' easement coming through the road to the easement. I don't have a problem with that whatsoever. Gloria Taft: So has Scott Fleming had any input on it? Scott Fleming: I've dealt with Arthur on it. We're good with it.

Lisa Egbert: This is Ron Trunnell, he lives in Heritage Hill. I live at 503 Heritage Hill and two things; first off I want to say thank you. We had a public nuisance issue in our area that was a safety threat and you all acted very quickly. Joe did a great job of getting in front of a judge quickly, got a ruling and we're supposed to see action by this Friday so we're real appreciative of your efforts there to help us and make sure we don't have any children get injured. The other thing I want to say is thank you for the efforts that were taken on our roads. We did get some paving. When we came in here in November and you all agreed to take it over and pave as you can imagine everybody was elated so we're really big on communication; we put it in our newsletters, communicated and everything and then after it was done it was stopped; it didn't kind of finish what everybody thought it would. So as President of the Homeowners Association I'm getting a lot of questions as to why everything that was thought was going to be done didn't get done and is there a time line for completion and I'm here just so I can kind of report back to the residents of the Community as to why that decision was made and what the plans are for the future for us because the reason we brought it to you in the first place still exists since it hasn't been fixed. Mayor Ellis: As I told several members of the Homeowners Association that were here at the last meeting that you have so many strips of road that needed to be paved that we could not expend one who budget section in one subdivision. Ms. Egbert: So is there more. When we brought it before I know we had done a bid and at the time there was a thought that there was plenty of funds. Was there because of winter, was there more that ended up having to be done? Mayor Ellis: You have several roads; if you drive out here on Conestoga Parkway you're going to see a big area that definitely needs to be repaved. Joe B. Hall needed to be repaved of course. It's just so many places; the winter we had killed the roads so we have to expend a lot of those funds in other areas. I don't want to speak out of school but my thoughts would be that we'll be able to return to paving in Heritage Hill next year when more MAP funds become available. But of course we don't know what's going to come from the Commonwealth because they've cut some of the funds that we get in. So our budget numbers that may come in may be \$300,000 it may be \$120,000. Ms. Egbert: So there are no plans to do anymore at this time? Mayor Ellis: No. Not at this time. We still have several roads that have to be paved in the City and it's not fair to not pave other folk's areas just to appease one subdivision. And I think the Council would probably agree with me on that as well. Dana Bischoff James: Now you're not telling us there are major potholes in that non paved area are you? Mr. Trunnell: There are potholes in the unpaved area. Dana Bischoff James: Scott can we go check and make sure if there are things we can address we do. Scott Fleming: Yes we can. The first stage we paved there we addressed the worse area first. Where we stand now we've got about \$1.2 million in paving to be done in the City and only have around \$500,000 in MAP funds to take care of that. Then you've got building that is going to go on in there and you don't want to pave and have to come back in two years and have to redo that same road. Mr. Trunnell: Well if there's very little building left to go on in our subdivision. Most of the lots there have been bought. Scott Fleming: We actually were approached a couple weeks ago heard from a bank that wants to develop the rest of that area back there. Mr. Trunnell: Since that time that bank has been sold. Scott Fleming: I can just go off the information we have on hand. Dana Bischoff James: Could we go back and double check for major pot hole

areas. Scott Fleming: Yes. Mayor Ellis: Yes we definitely check for the major potholes or any damages back in there. Mr. Trunnell: The problem we've got a lot of unhappy residents up there because we put in our newsletter last year based on what you all told us when you took over the roads that there was more than enough money there to pave the roads. So now we've got all the residents up there thinking the roads are going to be paved and now we have to tell them they are not going to be paved and we've got a lot of unhappy residents. And based on what you're saying tonight we can't even go back and tell them that the roads will be paved for sure next spring. Mayor Ellis: It depends on what money comes in. We can allocate xyz to make sure that certain areas of Heritage Hill but the whole subdivision is not going to be paved next year either. Ms. Egbert: When do you do that budget? Mayor Ellis: It was voted on tonight? Ms. Egbert: So this time next year? Mayor Ellis: Yes.

Department Reports:

Fire Chief Layne Troutman: City Attorney Wantland: I've got one item to bring up. We've got an offer in the lawsuit with Ryder; I've sent emails out to everyone. We started at 40K then went to 50K, League of Cities put \$83,000 on this case, the offer right now is \$105,000; that's more than what we're out of pocket; it's less than the loss of use; my recommendation is take the \$105,000, simply because we'll spend more money proving the loss of use than I think we'll recoup in damages. Larry Hatfield made motion to accept the \$105,000. Bernie Brown 2nd. Motion carried 6-0. Mayor Ellis: \$30,000 for Crusade yesterday. Chief Troutman: Yes, \$30,868.

Bob Ryan: Two things on budgets; it wasn't mentioned but I'd like to get it out that in preparing the General Fund there was no increase in the property taxes for City residents and the other on the Sewer budget, there is that Ordinance that requires an increase in sewer rates based upon the CPI. I just would like to get it on the record that this year that CPI was so immaterial there would have been no gain; there would not have been any benefit to increase the sewer rates. So sewer rates remain the same even though there was consideration given to the CPI and property taxes did not go up. Bernie Brown: We may need to revisit that Ordinance about the CPI increase every year. Bob Ryan: It's required by Ordinance. Bernie Brown: But that can be amended by Ordinance too.

Council Reports:

Dana Bischoff James: I just want to rehash I am very grateful to the Department Heads, the employees, this Council because we came together and we hashed out this budget many times in many meetings and so I will say the number of hours that is built into this budget is excessive and I will be going to celebrate. Again thank you all because I feel like I've asked things and came to you all many many times so thank everyone for that; this Council for coming together and working together. Many of you remember our first meeting we were at odds in this first meeting and it's really neat to come together. The second thing I'm actually going to make a motion and Joe if I misstate this pleased correct me on the verbage. I would like to make a motion with the Council's approval that we request an open records request of the Board of Education and then do a follow up meeting and see how we can continue from there to work with the Board of Education. City Attorney Wantland: What open records request are you specifically asking for? Dana Bischoff James: Their budget. Bernie Brown: Can I suggest we also include their annual audit reports. Dana Bischoff James: That is my motion. Bernie Brown 2nd. Motion carried 6-0. Dana Bischoff James: How can we formulate a meeting with them giving us ample time to do a review of their budget? We can meet at any venue. It doesn't matter. Mayor Ellis: If you want to meet with their School Board I would send emails to them and ask when we could meet. Also see if Eric Farris could set something up since he is their legal counsel. Dana Bischoff James: Approximately what type of time frame do you think would be needed to review their budget through and be prepared for a meeting? Gloria Taft: I would think the first meeting in July. Dana Bischoff James: Should we maybe even since our meetings will be changed starting in July a reminder to the public as well that we will move our meetings to Tuesday should we make an attempt to go after their meeting to try to accommodate them? City Attorney Wantland: You're assuming they are going to give you an immediate response on your open records. Mayor Ellis: Let's see what they do with their open records first. City Attorney Wantland: I may be a naysayer but July 1st is a little optimistic. Dana Bischoff James: Maybe we'll revisit next meeting setting up a meeting. City Attorney Wantland: I'm going to prepare the open records request and have it ready to go.

Bernie Brown: I'd like to just add to what Dana said too about this budget. You know if anybody asks me if I think that it is a perfect budget the answer I would give is no it's not. But I can tell you that there were a lot of things done that I think make it a decent budget. One thing I want to reiterate here I have a concern along with you Mr. Hatfield about adding approximately 20% more to the number of employees to the City. But very important I think and the one reason why I was able to vote for this budget tonight especially with the stipulation that any changes be brought back and the Council have an opportunity to amend the budget; is that we have job descriptions in place; performance standards and performance reviews. I think without that it is an unfair thing to do because I don't believe every employee performs equally. And the way it's been and I just have a problem with that. Those who may not perform very well and I think there is a minority of employees but there needs to be a system in place that recognizes and takes into consideration a person's performance standards in their performance review so that's one thing. And I would like for this Council to agree tonight even on when we're going to see that this is in place. I know Scott has already got the job descriptions and I think performance standards and I think the Police have already had that in place. How soon can we get that implemented and effective? Mayor Ellis: What did you find out from KLC today? City Clerk Richmond: KLC doesn't recommend doing this by Ordinance; they recommend doing an Executive Order that way if it has to change it can; however you all do what you want to do. I talked to Joe today about getting an Ordinance ready for the next meeting; I've been in the process of getting the job descriptions from each Department Head; I asked them for those today so we can implement them in to whatever we do. Performance, I think part of that is in the job description itself; Joe's got the direction to write the Ordinance; I'm working on getting the stuff to go in the Ordinance; I don't know what else you want me to do. Bernie Brown: That's fine as long as something is being done and we can get something done here pretty soon. I think for it to be binding it has to be an Ordinance. City Attorney Wantland: No, you can do it by Executive Order and that's being recommended by KLC primarily one you avoid the cost of the advertisements and each time you would amend an Ordinance you would have similar publication cost. Bernie Brown: And it would be just as binding? City Attorney Wantland: It would be just as binding. It's just easier. Bernie Brown: As long as you can assure that that's fine. City Attorney Wantland: One requirement would be that each employee would sign off on a copy and it is placed in their employment folder. Bernie Brown: Another thing the railroad crossing on 44; have you heard anything more? Larry Hatfield: They were working on that Friday. Bernie Brown: They were? Larry Hatfield: Yes. Now whether they finished it or what they done; but they were there Friday and saw them. Bernie Brown: You sure they weren't just nailing down a few of those boards? Larry Hatfield: They might have been doing that I don't know exactly what they did I didn't get out and look at it. Bernie Brown: That is one of the worst railroad crossings I know of anywhere. So we will follow up won't we? City Attorney Wantland: We will follow up. Bernie Brown: One other thing too is I'm not sure how it should be handled but I think we need to decide something here on sidewalks on Conestoga Parkway. When do the sidewalks usually come in; as it develops and whoever purchases and develops has to put in the sidewalk and are we going to have it on both sides? In talking to Rob Campbell he said there is going to be pretty much up to the Council to decide what the policy is going to be. My suggestion we have sidewalks on both sides of Conestoga Parkway. And there needs to be a crosswalk too put in for pedestrians. Mayor Ellis: As it's slated right now each development that goes in puts in those sidewalks and I agree with Bernie I think it needs to be on both sides of the road. Once you get the intersection done they've started putting crosswalks through there you're going to have a lot of pedestrian traffic. Bernie Brown: What do we need to establish that requirement; an Ordinance? City Clerk Richmond: It's already in there. City Attorney Wantland: I think we've got an Ordinance that takes care of that already. Mayor Ellis: The Design Criteria is only for one side of the road. That's what I was under the assumption of too when I spoke with him that it's only on one side. If you would look at that tomorrow; shoot out an email to the Council so we can make some decisions on it. Bernie Brown: If there is no Ordinance that would cover both sides I think we need to get an Ordinance in place that says that.

Gloria Taft: I want to thank all the Department Heads for their hard work on this budget. Like Dana said you call them and they're ready to meet with you and they spent hours and hours with us and I appreciate that. They were willing to change their numbers when numbers needed to be changed but we as a group came together and worked on it real well. There was a major accident on Beech Grove Road and 61 and we need to do something to push this bypass through because I don't know how any of them walked away from the wreckage of that accident. Both front ends of the vehicles were completely demolished; the windshields

were completely gone and if I'm understanding right we're in litigation with one particular person that's the only thing holding this up; Mr. Wantland? City Attorney Wantland: I think that's true. Gloria Taft: Do we see any time in front of the Judge yet? City Attorney Wantland: I've got a motion in front of Judge Burress at the end of the month to correct a mistake that was made by prior administration where they basically paid \$40,000 for the wrong piece of property. Gloria Taft: So we'll be in front of the Judge at the end of the month? City Attorney Wantland: Yes. I've got a motion already filed. Speaking with opposing Counsel the woman who owns interest in the property has not responded. And I'd like to make sure that we can send someone out there and physically put a copy of the pleading. One of the things we're asking for; it's been mailed to her but she's kind of an idiosyncratic person but we're asking for that money to come back. She warranted that she had title to this property and it was the wrong piece of property. She didn't have title to it. I thought that would get her attention. The response I got today is her lawyer hasn't gotten anything from her so I want to make sure that she's well; but I definitely want to give her notice that we want that money back. And hopefully we can get this resolved and move on. The State has approved the description and references; I prepared a deed with two signatures to be executed by the Bullitt Circuit Court Commissioner giving the City the right of way that the City paid for and the State has approved that deed. But the error was done back in 2009-2010. The State caught it. It was the wrong piece of property but that's where we are on it. We're moving forward but I can't predict what the Judge is going to do on this because it was the City's attorney who made the error. Gloria Taft: We won't try to decide what the Judge will do. The sidewalks on Conestoga; I see a lot of people back and forth to Walmart on foot and youth on their bicycles who are old enough to work there but haven't saved up enough money for a car yet. Could we maybe look at the City paying to put in sidewalks and then as builders develop they can pay the City back for their portion? That way we have one continuous piece of sidewalk already set up. Mayor Ellis: The only problem that you're going to run in to with that is the same thing if you did it in a residential area; as construction is being done they are going to tear up your sidewalk. Gloria Taft: Then they get to replace it. Mayor Ellis: But if the City is out the money to put it in and it gets damaged and they are not bonded or insured; who's to say they will pay us back? Gloria Taft: Well we've fixed the bonding issue. Bernie Brown: They better be bonded. Mayor Ellis: They should be but who's to say they actually do pay you back for the damages incurred. They are going to reimburse the City but they are going to have to pay for any damages as well. We're seeing that with the median where they severed the water line for the irrigation system and then killed the power to half the lights because they hit the junction box. We had Bowling Nursery demanding the City pay for it and the City said it's not our problem, Walmart is who hit it and destroyed it. Gloria Taft: We're doing a traffic study at Adam Shepherd and Conestoga and the road that goes by White Castle and all of that. Do we have a timeline on that when it's going to be done? Bernie Brown: The traffic light is going to be operational pretty soon isn't it? Mayor Ellis: They were telling us by the second week in June. Is that correct Scott? We still on line for that? Scott Fleming: The last I heard yes.

Randy Hammond: I just want to say thanks to the Council and all the Department Heads; I know you guys and gals have put in tons and tons of hours and I do apologize to everyone for not being available during the day. But I do thank everybody.

Dana Bischoff James made motion to adjourn. Ashley Bratcher 2nd. Motion carried 6-0. Meeting adjourned at 8:03 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk