

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
TUESDAY, August 11, 2015**

Councilwoman Gloria Taft gave the invocation
Pledge of Allegiance was recited

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

City Attorney Wantland stated in the Mayors absence a Presiding Officer for the meeting needs to be chosen. Bernie Brown nominated Larry Hatfield; Dana Bischoff James nominated Gloria Taft. City Attorney Wantland asked if there was a motion to close nominations. Bernie Brown made motion to close nominations. Larry Hatfield: Go ahead and let Gloria do it. City Attorney Wantland: I still have to vote on it. City Attorney asked for all in favor of Larry to raise their hand (Bernie Brown and Larry Hatfield); all in favor of Gloria Taft (Ashley Bratcher, Dana Bischoff James, Randy Hammond). Gloria is Chair by vote of 3-2.

Presiding Officer Taft called the meeting to order at 6:30 p.m. and asked for a motion to dispense with reading of the minutes from the 7/28/2015 regular meeting. Dana Bischoff James made motion to dispense with reading. Randy Hammond 2nd. Motion carried 6-0.

Presiding Officer Taft asked for a motion to approve minutes as written from the 7/28/2015 regular meeting. Larry Hatfield made motion to table until the next meeting because he had not had time to read them. Larry Hatfield rescinded his motion and made motion to approve 7/28/2015 minutes as written. Bernie Brown 2nd. Motion carried 6-0.

Larry Hatfield: Do we need to bring up at this time the Resolution to put on New Business because it's not on the Agenda. Presiding Officer Taft: Not having any knowledge about the Resolution and with the understanding that there was an agreement that it may or may not be read I think we need to have that discussion in closed session first. City Attorney Wantland: It does involve litigation; there are claims against the City related to what we are discussing. Presiding Officer Taft: I think that needs to be discussed in Executive Session.

Presentations: None

Old Business:

Scott Fleming reported they had met with Chuck and Erin and has a meeting set up Thursday at 2:00 p.m. between them and the contractor to get everybody on page before they start construction to discuss the improvements to 200 Frank E. Simon Avenue. City Clerk Richmond reported that the Mayor had met with Chuck McCreary and they have agreed to a five year lease with an increase in rent.

City Attorney Wantland had second reading and public comment on Ordinance 015-(number to be assigned) rezoning 141.4 acres, more or less, located at Buffalo Run and Ohm Drive south of Buffalo Run and East of I-65 requested by Rolling Acres Farm, LLC from Agricultural to I-L Light Industrial. Eric Farris was present on behalf of the applicant: Ladies and gentlemen of the Council, Madam Clerk and Mr. Wantland, I'm here on behalf of the Longacre's in this application and this is part of the development you've heard so much about for so many meetings now at Kentucky 480 and I-65. This is part of property that has recently been annexed into the City. You've seen a proposed development plans and heard about what the developer homes to accomplish. This was presented to the Bullitt County Planning Commission where a public hearing was held; opportunity for folks to be present and speak and we received a unanimous recommendation of approval. When this application was filed the new comprehensive plan had not yet been adopted but once the public hearing took place it had been adopted and this property actually falls within an area that is recommended to be zoned Light Industrial so we ask that you adopt that recommendation and the proposed map of the new comprehensive plan. I'll be happy to answer any questions. Presiding Officer

Taft asked if there was anyone to speak in disapproval. Larry Hatfield made motion to approve. Dana Bischoff James 2nd. Motion carried 6-0.

City Attorney Wantland had second reading and public comment on Ordinance 015-(number to be assigned) rezoning 164.6 acres, more or less, located at 1470 Arrow Creek Road south of Buffalo Run and East of I-65 requested by Morris C and Barbara Sue Longacre from Agricultural to I-L Light Industrial. Eric Farris was present on behalf of the applicant: I will merely say that this is contiguous property to the first Ordinance that you voted on; same hearing, same recommendation, same comprehensive plan provision so we request that you adopt this as well. Dana Bischoff James made motion to approve. Bernie Brown 2nd. Motion carried 6-0.

New Business:

Presiding Officer Taft stated we have one point on new business to approve a parade permit for KIPDA Diabetes Walk and asked if someone was present to represent this walk. There was no one present. Larry Hatfield made motion to accept. Dana Bischoff James: Usually I double check with the Chief of Police; has someone contacted you regarding the route of this parade? Chief Puckett: No they have not. Dana Bischoff James made motion to table until contact the Chief. Larry Hatfield: I rescind my motion. 2nd by Randy Hammond to table. Motion carried 6-0.

Daryl Lee: Reported there are two cases that will affect the City; I think you're heard these before, Oma Shaw Estate out in the Bardstown Junction area and Zoneton Development. I just wanted to make you aware of that.

Duane Price: No report; meeting is Thursday.

Sign in Speakers:

Barry Baugh, 1823 Highway 44 West: addressed the Council concerning sidewalks on the south side of Highway 44 West that are not up to ADA standards. Presiding Officer Taft: The best we could do is one of the Council people could contact the state Department of Transportation and try to keep a follow up going on this to see where it stands in their list of improvements that they are going to be doing in the area. Unfortunately Highway 44 is a State road. We will attempt to push this job forward in their list of things to do.

Department Reports: None

Presiding Officer Taft: Councilmembers I have been requested that we move to Executive Session. I will need a motion and a second. City Attorney Wantland: To discuss litigation. Dana Bischoff James made motion to go in to Executive Session to discuss litigation. Ashley Bratcher 2nd. Motion carried 6-0.

Ashley Bratcher made motion to Return to Regular Session. Randy Hammond 2nd. Motion carried 6-0. Larry Hatfield made motion that we as a Council read this Resolution as planned. Bernie Brown 2nd. Motion carried 4-2. City Attorney Wantland may it please members of the Council "A Resolution and Motion requesting Mayor Scott Ellis to consider resigning as Mayor in the best interest of the City government and the people of Shepherdsville and Bullitt County. Whereas on July 28, 2015 a Grand Jury of 12 citizens did return a true bill of indictment #15M684; the charged indictment is criminal solicitation of prostitution a copy of the indictment is attached. An indictment does not prove guilt. We recognize Mayor Ellis is the eyes of the law and people presumed innocent until proven by a judgment of the court. This event and all rumors leading up to the indictment and notorious news created is interfering with the ability of the City of function and move forward. It is a huge distraction from the business of government as long as it continues. Mayor Ellis informs the public that he is innocent and will stand trial. This could take months. Therefore we the undersigned members of the City Council hereby request Mayor Ellis to enter his resignation to the City Council so the City can act as promptly as required by law. This is dated August 11, 2015. Larry Hatfield made motion to pass the Resolution. Bernie Brown 2nd. Presiding Officer Taft asked for comment: Larry Hatfield: It's not easy sitting up here right now. I just feel that in my heart that if you're indicted whether it's me, a Councilman, Mayor, any public official, we're elected to honor the people. And I think that if

something like this happens we let the people down. That is my personal opinion and that's why I am in favor of the resignation. Ashley Bratcher: I agree with Larry. It is not an easy position to be sitting in right now. Tough decisions are being made. I do stand on this because my personal opinion if it was anybody in the City or any employee they would already be gone and I don't appreciate double standards. Of course this is a request. I think Mayor Ellis has been a wonderful Mayor to this City but given the allegations I think it's only fair to the citizens and the employees of the City that he does resign to get this shadow off of our backs. Randy Hammond: I'll second that it's a scary and troublesome decision to sit up here and ask for somebody's resignation that hasn't been found guilty yet. But the shadow of this case has been going on for months. Our City is doing some wonderful things; we've got so many good projects going forward and I really just think it's in the best interest that we get some new leadership. Let the Council stand united with a new Mayor and keep moving forward. Bernie Brown: Undoubtedly this is a very unfortunate thing. It's a sad time for our City; it's a sad time for the Mayor and his family. The indictment issued does not prove guilt and I certainly think we must go on the premise that innocent until proven guilty. And I certainly want to do that. I think the reputation and shame that has been brought on the City has not been good or beneficial. It's already been going on for quite a while with a lot of rumors, and I just think it's important for our City that this come to a conclusion pretty quick. And as long as he remains Mayor it's going to be drug out and it could go on for months and months and maybe even a year or two. As was mentioned here all this is a request that we think the Mayor should resign. It's up to him. It's his decision. There is certainly no proof of guilt but you know whether something is perceived or actual sometimes the result with the public is about the same. I just think it's time that this be brought to conclusion as soon as possible. Gloria Taft: I received the resolution yesterday; actually it was this morning when Larry emailed me. The resolution was given to the news media before I had ever even had a chance to see it so my constituents neglected to include me. Mr. Hatfield said that he emailed me, text me, called me; there was not one message on my phone, there was not one email in my two emails, and there was no text messages on my phone. I cannot say if he is guilty or innocent because I have seen absolutely none of the evidence. This could last for months or even years; this could go away tomorrow depending on the legislation. So I cannot vote for something that I have not had a chance to read, nor perceive, nor pray about. And that is why I was against it and I will still be against it. Thank you. Dana Bischoff James: It's difficult to make a decision when you don't have any evidence. At this point I haven't received anything concrete to make a statement or a stand. And I do believe our founding fathers did an excellent job separating the branches of government. They understood the importance of that. And as I sit here we are part of the legislative branch; not the judicial branch. The judicial branch job is to decide guilty or innocent and someone is innocent until proven guilty. When I first heard about the situation regarding the Mayor I went to him in person and he stated that it was nothing and I'm very morally and ethically driven; I don't believe in lying, stealing or cheating; those are three ways to make me lose faith in someone. It's different is someone makes a mistake and admits to it or tells the truth. The Bible says if at all possible be peaceable with all men and while making this decision that's not possible. There are people who feel very strongly one way or the other and at this point I'm not sure what is right. With that same token backing and supporting, first Thessalonians 5:22 states abstain from all appearance of evil so I understand the perception that exists. I do believe that a person should be tried in a court and not in the media. Unfortunately the media that stands here today you're not here for the sake of the first day of school starting tomorrow and the School Resource Officers that we have implemented you stand here to try somebody within the news and that's not your place either. I strongly encourage the media to start taking steps to report on positive things. Our request in the letter in which I signed as well was a letter from the Mayor and he did that; he gave us a letter with a plan of action and that was what we requested and that's where my vote will stand because we made a request, he kept his decision and I will stand with backing what I said I would do. Presiding Officer Taft: We have a motion and a second to vote for the resolution, I'll call a vote. Motion carried 4-2.

Council Reports:

Gloria Taft: I have two things. Last meeting we were discussing the College Tuition reimbursement for our employees. We do have an employee that is interested in attending college. I would like us to set up a sliding scale of: if the employee gets an A reimburse 95%; B 85%; C 75%; and according to the handbook anything less than a C is unreimbursable. Larry Hatfield: Are you going to have where they have to stay at least two years. City Attorney Wantland: Three years. Dana Bischoff James: My thought process we need

to reimburse State tuition reimbursement; say that a class at UofL costs \$1000 but they want to go to a private institution where it may cost \$3000, then we will reimburse the State tuition price and they would be responsible for the remainder because that could become very costly. City Attorney Wantland: Councilman Brown wanted to get with me this week but unfortunately we had a series of deaths in our Community and I was out of the office; I would encourage the Council, I know Councilman Brown is going to come in the next couple of days and we are going to have something in writing to present to the Council at the next meeting. Bernie Brown: If you or anyone else would like to we could certainly do that. I do feel strongly if they taxpayers are going to fund education and I'm all for that, but I do think it's not unreasonable to ask the person to remain working for the City for a three year period. City Attorney Wantland: We're working on it I've just been out of the office. Gloria Taft: We had a meeting on August 5th about the road project because we set up a Road Committee for the perspective new road and we don't want to call it a bypass because we are looking for a good name. I was named as Chair of the Committee and we selected a Secretary, unfortunately two of the members could not be there. We decided to present three names to the City Council for them to select one of these three names as the fifth member; however the third person has not yet been contacted so I want to extend that option until the next meeting so the third person can be contacted. It was decided that the regular meetings of this committee will be held the first and third Wednesday every month at 4:00 with prior notice participants may participate by phone. It was decided that Regular Meetings of this Committee will be held the first and third Wednesday of every month at 4:00 p.m. With prior notice, participation may be by telephone. We will be working with the City Attorney and Financial Officer Bob Ryan on financing options and review the documents relating to the financing. A timeline for the road was developed and the decision was made to follow that timeline as closely as possible. This is our timeline: 8/19/15 Proposed RFP for engineering services will be presented to Committee; 8/26/15 RFP should be approved by City Council; 9/1/15 RFP will be sent out; 9/29/15 RFP completions are due in; 10/13/15 City Council hires firm for engineering services; 2/9/16 RFP for road construction would be approved by City Council; 3/1/16 Bids for road construction would be advertised; 4/1/16 Bids would be due in; 4/12/16 City Council should be able to hire road contractor. Renaming of the Business Park Access Road was discussed and no suggestions were provided but we are looking at how we can best name this road. I was contacted earlier today by the EDA and according to the Economic Development Authority the engineering firm has been chosen by the State for the design and that will go to public bid November 2015. That is for the Loves fix which extends their driveway and makes another link to the current road. We are working on who is going to be paying for the light at that new intersection because that is going to be approximately \$100,000-\$150,000. That is the report from the Committee on the new road.

Bernie Brown: Arthur do you have anything to present to the Council about the drainage issue on Stevens Drive? Arthur Jones: If you would like, yes. **Bernie Brown:** I would like to hear his proposal. I think he's been looking at that situation and has some ideas. Arthur Jones: What Bernie is speaking about is a drainage issue that we have here in the City of Shepherdsville over on Stevens Drive. If you're not familiar with where Stevens Drive is it's located just to the south of Highway 480 almost parallel to I65. There is an issue in that neighborhood where the storm water is not allowed to leave because of a difference in elevation in the ditch line. The culvert that is beneath Stevens Drive is at an elevation that is okay as long as we are following the drainage to the east of that property however at this point that ditch line has not been set at the right grade so what we have is a ponding issue on Stevens Drive. What that is doing is compromising the integrity of that road and in turn it's creating somewhat of an eyesore and a mosquito haven there so that's one of the drainage projects that Bernie has brought to my attention as well as others. I think the reason why this is being brought up at this point is because we know we have drainage issues here in Shepherdsville and here in the near future we do need to come up with a plan; hopefully a comprehensive plan that would address the drainage issues throughout our City and then rank those in a way that we can then put them in a program and attack them as soon as we have room in the budget to work those in. **Bernie Brown:** Do you have any cost estimates for correcting that drainage problem on Stevens Drive? Arthur Jones: We have not put out any sort of bids or anything for that work. The majority of that grading work could be performed by our Public Works Department and so it would be an issue of just making sure that they have the availability and equipment to do so because they do have the personnel and expertise to do it. **Bernie Brown:** Have you discussed that with Scott Fleming? Arthur Jones: No we have not discussed this at length; it's just only become an idea of some of the things we can fix around the City. He's aware of some of the drainage

projects and right now trying to find areas in the budget where we can fit those in over the next few years because it will take a few years to get our drainage back in to a good position. But now it's a matter of how do we make that work and it will be up to the Council to look at putting together a plan and attacking it in the future so that we can get this over time fixed. Bernie Brown: Do you want to get a plan for all of these first before anything is done? Arthur Jones: It would be in our best interest to figure out what all the problems are and then rank those according to the amount of people that are affected and the severity of that issue and then also what sort of money will it take to fix those and then we can attack it piece by piece. Bernie Brown: Are you going to get with Scott Fleming and you all work on establishing a plan? We have some bad drainage issues here in Shepherdsville. And I think we have to get started. Arthur Jones: Okay, at the Council's request I will gladly sit down with Scott and start trying to put together a plan to address those issues. City Attorney Wantland: We've talked about this and I think the way to go at it is exactly what Mr. Jones is indicating. Scott Fleming and Arthur need to start talking about making a presentation to the Council about what kind of criteria on how to rank these situations and then look at the budget. Bernie Brown: Could you all work on developing a plan for all these major drainage issues and be ready in two weeks to present something or is that too soon? Arthur Jones: In two weeks I can give you an update of our discussions and where we are. City Attorney Wantland: As far as criteria we're going to be further down the road I think. It's quite challenging because there is different issues. Arthur Jones: And we could initially come through and give you guys some more of a criteria of this is the ranking that we want to go through and get your buy in to see if you guys are thinking of something that we're not. So in two week's I'll come back and give you a report of where our discussions have started and some of the ranking information that we're planning on using so that you guys can be involved in this project. Bernie Brown: Some of the drainage issues involve State roads and I have contacted the 5th District of the Transportation Department and I finally did get a call from one person they were supposed to get back with me the next week and that's been four weeks ago and I still have not heard but I will be pursuing that and I know Magistrate Mitchell and I plan to meet with them and see what can be done to get some action from the State. Arthur Jones: I'm glad you brought that up because that probably needs to be part of our criteria of who should be responsible for this drainage problem so that we can make sure that we as a City aren't having to shoulder the entire burden. Bernie Brown: Well if we can ever get a meeting scheduled with them I think it would be good for you and Scott to participate in that meeting. Arthur Jones: Of course. I'm sure we'll be glad to assist in any way.

Dana Bischoff James: I just request from the constituents, employees that you all do keep all government officials in your prayer. We need the Wisdom of Solomon.

Larry Hatfield: I want to thank Scott Fleming for getting that island painted. A lot of people are glad that happened.

Bernie Brown: Scott thank you for the good job you all did cleaning up around the old Melton's store there. It looks better right now than it's ever looked.

Gloria Taft: I had a request about the condition of the weeds in front of City Hall. If you could have our guys take a look at that; that would be wonderful.

Larry Hatfield made motion to adjourn. Randy Hammond 2nd. Motion carried 6-0. Meeting adjourned at 7:43 p.m.

Gloria Taft, Presiding Officer

Attest: _____
Tammy Richmond, City Clerk