

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
TUESDAY, September 8, 2015**

Michael Taft 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, Ashley Bratcher, Dana Bischoff James, Bernie Brown, Gloria Taft and Randy Hammond.

Mayor Ellis asked for a motion to dispense with reading of the minutes from the 8/25/2015 regular meeting. Ashley Bratcher made motion to dispense with reading. Randy Hammond 2nd. Motion carried 6-0.

Mayor Ellis asked for a motion to approve minutes as written from the 8/25/2015 regular meeting. Dana Bischoff James made motion to approve 8/25/2015 minutes as written. Gloria Taft James 2nd. Motion carried 6-0.

Mayor Ellis announced there would be no meeting on September 22nd due to not having a quorum.

Presentations:

Mayor Ellis and the City Council presented a Key to the City and Proclamation to Tom Barr.

Mayor Ellis called Arthur Jones to the podium to report on the zoning workshops that have been held. **Arthur Jones:** As many of you are aware at the last Council meeting we talked about coming together as a Council and try and designate those undesignated areas for the zoning map. Today as somewhat of a review and update for everyone as to where we stand and where we've been we have the following: looking at the information we had to build off of we have this hierarchy of data; zoning ordinances were of the highest value, County database next and then previous zoning maps of Qk4 so on and so forth down that hierarchy of best available data and then available data that may not be as good as previously. Where did we start from, this map shows you all of the parcels that we did not have data on; any parcel that was told via ordinance or a County docket or any other information that we had we used that information to make sure that we were getting that zoning correct. But at the end of the day we were left with these that you see in green. These parcels had still yet to have a zoning designation so that was the reason for our zoning workshops that we had last week. Going through the process of looking at those properties, assessing the acreages associated with those properties, so on and so forth, we gave these properties that did not have a zoning assigned to them previously we've designated them as a zone base on the best data that we had available to us. Now we have absolutely no parcels remaining in the City that don't currently have a zone assigned to them. During our workshops last week we assigned 273 parcels with a zoning. Since then we have then gone back; looked at all of the zonings that we had for those properties that were not previously zoned and the ones that we already had zoned with the data available-the zoning maps that we use and we did the following comparison of looking at PVA data and then looking at our zoning data which ones don't agree. We have 17 parcels that are identified as business or commercial by PVA but were otherwise zoned in our mapping. Likewise we have 46 parcels that were identified as residential by the PVA but zoned something else in our mapping. So these are two of the areas that we need to be focused on over the next month or so as we discuss where we go from here because as I discussed with many of the Council members when we complete this zoning map we want to have full confidence in the information that's in there but at the same time have it available to the public so that they can comment and come to us with their questions and concerns so that we make sure we get this right. We don't want to do anything with this zoning map that is in way hurting or hindering our citizens and we do want to do our best job to create this zoning map in a way that it is helping push our City forward. So these are some of the areas that we can target over the next month if we are able to get back together either as a group or individually to go through some of these concerns. When looking at all those parcels that we were able to designate what did we designative those parcels; I give the breakdown here that there were 54 different parcels that were zoned or

designated as AG and so on and so forth down the list there were 100 R-3 lots; 1 R-4; 15 Stream Reserve; so what we did when going through this process is exactly what we talked about in the Council meetings previously; taking the best information that we have, the surrounding parcels around that property, and aerial imagery and our personal knowledge of that area to best represent what it should be zoned. Not having a zoning already that was the best information that we had available to us. All of that has been kept track of and at any point if we need to look back and take a look at what's been zoned or what hasn't been zoned we have the ability to do so. So this is our current zoning map as it stands today. It is not perfect and it is not without flaw. There are going to be parcels that we're going to have to have a discussion about. There are going to be property owners that will come forward and tell us that we have somehow inappropriately zoned their parcel or the data that we had was somehow incorrect and we are building in a method to be able to help those people come forward. So how do we do that? How do we make it available for our citizens to come forward and help us make this zoning map as accurate as possible before we go forward, publish it and adopt it through Ordinance. One thing that we can do is take the map as it currently stands, print a very large version of it and put it here at City Hall for the public to come and view. Another option that we have to help strengthen our public outreach is to publish that map online for people to view via the web. I know that now everybody has the flexibility to be able to come to City Hall and so to be able to help accommodate that public give them that web interface so that they have the ability to not just look at an overall map but to be able to zoom in to their property specifically that they are interested in so that they can get a better idea of either where we got the information, what the information is now or how do they give us data that would help us clarify anything that we may be in error of. We talked previously about what sort of time period we're looking at for this. I think it was brought up during our workshops on both days that we want to make sure we give them a good two months; so a 60 day comment period, so once we work through the bugs and make sure that we are comfortable with it as a Council by next Council meeting which is going to be a month from now; at that point would be a great opportunity for us to then outward face this map for the public to view and then comment on. Giving them 60 days from that point we would still have time to be able to get those comments integrated and then by the first of the year to publish a new and improved and functioning zoning map that we can use here at the City to expedite the requests that we are getting at the administrative level and to help developers when they are coming in so that they are aware of what sort of situation they are stepping in to before they make certain investments. Are there any suggestions from the Council for us to change the way that we are approaching this? Would you like to see a longer or shorter comment period than 60 days or do you feel comfortable with a 60 day comment period? Dana Bischoff James: Are we still sending the letters to property owners as well? Arthur Jones: One of the things we talked about in the workshop and to Dana's credit she was the first one to mention it; we really want to make sure that these people that we've designated the zonings that we didn't have information on before but we had to go with the best information that we have; what we'd like to do is send a letter to the addresses of those individuals and make them aware that we didn't have zoning information on your property and thereby we have designated this zone; so by sending out those letters we're trying to help bridge that gap between somebody that may have no idea of what is going on but include them in this so that they are aware and can make a move. Larry Hatfield: What about putting a map at the Planning and Zoning office also? Arthur Jones: That's a great idea I think we should. Larry Hatfield: That way if they are there and want to know what their property is zoned or the property next to them they can look it up; can they look it up there now; I think they can on the old map? Arthur Jones: They could on the old map but on this new map they won't have the same interface. Gloria Taft: If we're going to put it online they can always use online services. Larry Hatfield: Yeah but we have a lot of people in the City that probably don't have access to internet. Arthur Jones: We talked about this earlier today, the fact that a lot of times it is most convenient and easiest for me to throw it up on the web and say okay it's on the web go look at it, comment, tell me what you think; but knowing that many of our community members are not technically savvy but they are the ones that need to be shaping or town because they are the ones that dedicate their time and effort and energy toward making our City what it is today so we do need to make sure we are putting it out in a way that they can view it so there would be absolutely no problem from my standpoint to publish both the map here at City Hall and down at Planning & Zoning. In my opinion I don't think that would be an issue whatsoever. Dana Bischoff James: Something else for the Council to consider the vast need revision if you will, we have property lines that literally go through homes and it's just something if you would like to give us a little tidbit for the Council to consider in the near future correcting and getting into progress while we're

moving toward making better maps this would be in my opinion the best time to go ahead and make those corrections. But I'll let you explain that. Arthur Jones: What Dana is introducing is the fact that our parcel map is based off of the PVA mapping so the PVA mapping for Bullitt County came out decades ago before anyone else had mapping PVA came forward with some mapping. In that early stage there was no way that they could get things as accurate as survey grade or anything even near; so what we have now is a PVA map that is somewhat outdated. This is not a dig on PVA. They came out first; they were doing the best that they could at the time that they had and since then have had almost no funding to update that in anyway. So now we're looking at it from a City standpoint and we're trying to base our other mapping on that mapping but knowing that it's flawed. One of the things that we could do is go back and revisit the PVA delineations of parcels and take what we have for subdivision plats and plug those in to the PVA mapping to redistribute and correct where the PVA map be off tens of feet where it would be more within maybe a foot off; to take that room of error down from tenfold down to one would hopefully reduce the amount of confusion that you have in not just your citizens but also here on a staff level so that when we have to be dispatched to 308 Tecumseh Drive we're not ending up at 285 looking at the wrong property or looking at a piece of property that may be completely in conflict with the one that we're supposed to be looking at. Those dry runs where we may be going to the wrong location or looking at the wrong thing, that will cost us as a City in the long run; we can reduce that if we had better mapping; that's where Dana is jumping off point comes from. The PVA mapping is flawed and it would be in our best interest to do what we can to correct that in my opinion I think that as far as a cost estimate is concerned I think we would be in the range between \$15,000-\$20,000 to be able to correct the PVA distribution of parcels within the City limits. We are talking about 5,000 parcels so when you look at it from the standpoint of just how much work is it, you're looking at 5,000 parcels to be re-delineated; that's a great deal of work. Larry Hatfield: Are some of these parcels not going to have addresses? Arthur Jones: That's correct. Some parcels do not have addresses. That means it all that more important to have a good delineation of where that parcel is so that if we were to drop a pin with a GPS xy hopefully our crew would be able to find that point. Larry Hatfield: If there's an accident on that property you probably wouldn't be called to that property if there wasn't somebody living there. Arthur Jones: Potentially yes, it's a very low percentage to be called out to a nonresident kind of situation. You mention a great point I wasn't even thinking about it in terms of no search and rescue and being able to get out there and respond to a fire, domestic abuse situation, or any of that; I was even just thinking about it from a standpoint of our infrastructure that's in the ground whether it be storm structures or sanitary or any of that that we have to maintain. We're working on trying to put all of that together so that we'll know where our sewers, storms and all of our utilities are for our benefit at the City and or the benefit for those that are coming in to develop in our City so that they don't have to spend quite as much time obtaining that information; they can move more quickly in to development. We're taken what the County has as far as GIS and mapping in concerned and now that the City is hosting their own we're able to reduce that amount of delay so we've got a greater speed and now we've integrated that with Cityworks so that now we have a full asset management program that is tied to our mapping so the better job that we do with our mapping, making it as updated as possible that's going to in turn strengthen the rest of our asset management, our permitting process, and everything that comes after. Larry Hatfield: You're talking about these lines running through these houses, some of these houses were built before we had to spot for the house on the lot so we can't just move that line on the computer and be accurate, correct? Arthur Jones: Right. What we need to do is take that survey plat that we have of that subdivision and place it as best we can and then take those parcel lines and realign those with that survey data to the best of our ability. We are not going to be perfect unless you spend a boat load of money to go out there and do a lot of surveying which I'm not proposing. We want to get a map that is as good as we can with the smallest amount of money as possible. Larry Hatfield: One that the homeowners can live with. Arthur Jones: How can we get that best value and after going around and around and having several discussions about this if we were to take our subdivision plats, overlay those and do a best fit, that way we'll be able to get in as cheap as we can while still improving our quality so that we get the best value out of that whole effort. Dana Bischoff James: Just something I want to through out there for you to consider, certainly no need tonight but just to be aware of if you have the opportunity I encourage you to get with Arthur and look at the map. They did a great job, great work and I appreciate everything you all have done for the City. Arthur Jones: I've got to say thank you to the Council members that were able to make time last week; I realize that I'm stealing time away from your families by pulling you in to efforts like this but I have to say at the end of Friday after going

through everything that we did I was very proud of the effort and the amount of stuff that we were able to accomplish over those just a couple days work sessions. It was very effective for us to sit down and go through that information and I think the citizens are thankful for your efforts on that part. At this point what I am thinking is I'm going to get with you guys individually if anybody has comments on the map; let's hash that out between now and the next meeting; we'll go forward with a 60 day comment period, following that then any issues will be resolved at that point then we will show the public what the map is for another 30 days and then at that point we will adopt it through Ordinance and then have it published. Gloria Taft: What can we implement to make sure that this zoning map is updated continuously? Arthur Jones: As soon as we pass an Ordinance that changes the zoning on any parcel in the City we at that point need to map that. We need to put that on the map. We don't need to put that off for six months or another year; we will update that map once it is published; once we have that Ordinance passed we need to do that so I'm with you, we do need to come up with a form or a procedure where once Tammy has that completed, if she passes that to me it will be mapped the next day; if that's what we want to do that's what we'll do. If in the future the City has another procedure if we were to go to the point of having a mapping professional on staff at that point they would take that over but currently without that flexibility or ability itself we can definitely take care of that as far as an ongoing service. Attorney Scott Wantland: As I understand it we assess property taxes by going off the PVA map, we basically accept their tax roll for assessments; will this change or bother that or do anything to cause any issues there or they won't have anything to do with each other; I just want to make sure that we're not doing something better then make it incompatible with something that's pretty important. Arthur Jones: Yes, because one of the big things that Dana was bringing up in the meetings, she was like hold on now we don't need to zone this property and make it to where now it's being assessed at a different value and then go back and change situations for people and the way that the PVA office they will assess the properties individual of our zoning. Dana Bischoff James: I think the term was the assess according to what the property is being used so anybody that goes to PVA gets to describe how they use their property and that is how they base the tax not necessarily on the zoning. Attorney Scott Wantland: And I'm okay with that. I just qpublic pretty regularly and I just want to make sure that we're not going to create any issues. Dana Bischoff James: That was my number one concern absolutely. Attorney Scott Wantland: One system that takes MAC and one that takes Windows and we're ... Arthur Jones: Exactly. Larry Hatfield: What if we run in to a piece of property that is zoned residential but the guy is running a business on it? Dana Bischoff James: You can run a business out of your home. Ashely Bratcher: We actually ran in to one of those issues and that's Beech Grove Market; it's zoned as residential but it's clearly a business. Larry Hatfield: That would affect their property assessment. Arthur Jones: Because PVA assesses it as a business they are being currently taxed as a business but our zoning map shows R-1 on that piece of property; so those are the ones that we are red flagging. We know that there is something that we need to take a second look at as a Council or any one that's able to have the time to work through this; these are the ones that we are red flagging; we know our zoning versus the PVA assessment is different so because of that we want to take a special look at those to make sure we're not missing something. Guaranteed that is a good point to make; that came up in the workshop and we were going through that because we didn't want the fact to come where we say okay we changed your zone or we designated a zone and now the PVA is completely messed up but what we do want to do is we want to share this information if we were to go through the effort of re-designating the parcels or redistributing parcel lines we're going to share that with Mr. Bruce Johnson so that they can update their mapping and come to where we get to because we don't want to hold our toys and keep them separate and secret; we want to share it so that we can strengthen their mapping so that it's not just us as a City but the County moving a little bit more forward in this effort. Larry Hatfield: When are you going to have the map available? Arthur Jones: I have the map available now and I will be sending the Council an email over the next couple days to give you a full synopsis of where we've come from including the slides that I've shown tonight and then asking for any availability that you guys may have to go through those trouble spots; those 17 and 46 parcels that we've looked and identified red flags that we want to take a closer look at before we make public. I would like your input so that we make sure we march forward in a very positive way. I don't want to put anyone in a position they are uncomfortable in.

Chad Laswell, Shepherdsville Titans to address the Council regarding Frank E. Simon Park where they are having practice at. I know that Steve Larimore is signed in to speak on this issue as well but I'll let Steve speak on this when we're discussing this as well because I know he had a concern. Chad Laswell: As you

know the Shepherdsville Titans were moved from the baseball field to the YMCA field; it's come to our knowledge that the YMCA and the City of Shepherdsville no longer have a contract and the Shepherdsville Titans Youth Football is asking for consideration on whether or not we can have a lease contract on those fields. Since we have been out there we have started taking over the concession stands to do the football and soccer practices and also to include the YMCA games that are being played there starting this Saturday which we plan to operate a concession stand out of it. Specifically what the Shepherdsville Titans are asking is approximately four football fields, 120 yards x 50 yards; in addition to four areas for cheerleading which is approximately 20 yards x 20 yards; the conditions would be very similar to what the YMCA currently has; we do have \$1 million in liability insurance and we've also asked for permission to place a building directly behind the concession stand. I know that's something that I already brought forward at a previous Council meeting; we've come across a deal that we think is very beneficial for us and of course we would modify the storage shed and paint it to match the existing colors that are already there which is taupe brown and hunter green. Mayor Ellis: Does everybody have a copy of the original YMCA lease? When that lease was signed last year it stated that if they wish to renew they would contact the City 30 days prior to a renewal date. No one ever contacted us. So at that point in time we moved the Titans to that field to practice and whatever you need to do now we have folks coming in from the Y that are saying we are under contract here and no they are not under contract. I know Steve has some concerns about that because he and I have already talked about it. It's at the pleasure of the Council on how we want to handle this. I wish that Park was big enough in that area that we could put both groups there but unfortunately it's not. Chad Laswell: We have already talked to Scott; we have had to move our A and B Teams which are the two largest teams; the A team has approximately 26 players, the B Team has approximately 34 players and they are now practicing at the one baseball field that is not being used for baseball. I've specifically told those teams that they are to stay off the field that the City has already done a lot of work to building up the mound and all that. They started that last week; there is nothing specific against the YMCA it's just a lot of kids and limited space and I think anybody that has been out to those fields especially that first week; the parking which I've already brought to your attention is a huge concern. The last thing I want is a child to get hit which I'm sure I speak for everyone on that. We just want what's best for the kids and that's it in a nutshell. Dana Bischoff James: You said that you all would be posting a schedule in advance; how do you plan on working around them? Chad Laswell: We are permitted to practice six weeks before the first regular season game; that is in the Greater Bullitt County Youth Football bylaws; so six weeks prior to that we can begin practice and our practices will continue all the way until we are eliminated from playoff contention which could go into early November. Generally it starts in July and ends around the first of November. Our cheerleading, they are allowed to practice effective June 1st. A lot of times they will go out to the Park but because they require smaller space it's easier to put them in a spot where the football team generally takes up quite a bit of room especially with the older kids because they are faster; they like to spread the field a lot more which they just obviously take up more room. Larry Hatfield: Does the Y know that we're discussing this with you all? Mayor Ellis: They are aware yes. There is nobody here from the Y. Steve Larimore: Actually I'm the Chairman of the Board. Mayor Ellis: Steve is here, come on up Steve. Steve Larimore: I'm a huge supporter of youth sports anybody that knows me knows that's true. My big question is did the YMCA get the courtesy from the City of being notified they didn't send in their 30 day notice. This relationship has been going on either 13 or 15 years according to the last letter sent in 2014. Larry Hatfield: That was going to be one of my questions. Did we contact anybody? Mayor Ellis: They've known that the Titans have been up there since the beginning of July when they moved in up there. And they knew it last year when we talked to them about it and told them they were going to have to share the field with them. Steve Larimore: I understand that. Dana Bischoff James: The YMCA has always come in for the past three years to discuss their renewal. Steve Larimore: I understand that; for 13 or 15 years, 14 or 16 now we've had this relationship the City has with the YMCA serving a ton of kids and doing a world of good for the kids of Shepherdsville; you wouldn't have a swimming pool open here if it wasn't for the YMCA; you wouldn't have any youth sports in the County if it wasn't for the YMCA other than the youth football league. I would ask very seriously for you guys to put this thing on hold and maybe bring the YMCA in here with Chris and June. Mayor Ellis: Here's the thing Steve, why has the YMCA not gone to Mt. Washington, Hillview, it's the Bullitt County YMCA; this is the Shepherdsville Titans football team. Why have they not gone to other cities to try to do soccer there? Steve Larimore: Because you have to do it centralized in the County. Mayor Ellis: These are all Shepherdsville kids on this football team. That's my thing that I've always said. Steve Larimore: My

question is let's just look at the raw numbers and look at the relationship that's been going on for 14-16 years and I'm not opposed to the youth football being out there, I want them to have some place to play and practice and do all the things they need to do but what it sounds like to me is this is an either or from what I'm hearing talked about and without an opportunity for the YMCA to actually sit down with these guys maybe it can't be worked out and maybe you guys have to make a decision to kick the YMCA out and if that's what you have to do that's fine but I think after 14 – 16 years there is a little bit of a relationship that has been developed that maybe we could forgive the fact that they didn't get the notice in within 30 days prior to the expiration of the lease. And my big question was there a courtesy contact made with the YMCA? Mayor Ellis: No because they've always been the first ones to call us and say we want to renew the contract. Steve Larimore: I think the City has failed in this case because of that relationship that has existed to just walk away from. Larry Hatfield: Is there any way you all could sit down next week and maybe come up with a plan to where we can either share this or is that absolutely out of the question? Dana Bischoff James: This is something I want ask, I'm going to direct it to you Mr. Laswell, in the past you have been the one to work with the YMCA as far as sharing the fields? Chad Laswell: Yes. Dana Bischoff James: Okay. So my theory I'm going to make the motion that we accept this contract; the Titans hold the contract and they share with the YMCA; so if they have shared with you in the past there is no reason why they won't share with the YMCA instead of the YMCA holding the contract it will be the Shepherdsville Titans who hold the contract and it's at your liberty to share with the YMCA. That is my motion. Mayor Ellis: We have a motion by Dana to accept this contract. I would love to see you guys work together on this. I told June and Nikki Simmons that was with the Titans last year to figure it out and to come together and come up with an agreement on how everybody could use the park and nobody did it. Apparently we're still having an issue with is. Chad Laswell: From my understanding Nikki did meet; the plans were drawn and from my understanding the YMCA was going to be the access road that goes to the Concession Stand from my understanding that agreement was that the YMCA was going to be on the right side of the road; Shepherdsville Titans were going to be on the left side of the road; when I met with Chris to discuss this he basically told me this is our area, this is your area. Larry Hatfield: Who's Chris? Chad Laswell: Chris O'Brien with the YMCA. So even what Nikki was told and June was also there; that communication was totally different when it was football season. Dana Bischoff James: And I do recall when June stood before us in the past and I asked are you going to work with the other leagues, she stood there and said yes. So in my opinion I think Mr. Laswell being on the other side of the contract will be more than willing to work with the YMCA but at this time I think it's okay for somebody else to hold the contract since we've had issues with the YMCA holding the contract; there has been issues that wasn't resolved so now I think it's time that we give somebody else an opportunity to fix the problem and have a better solution to it. So again I make the motion we accept this contract. Ashley Bratcher 2nd. Steve Larimore: The last discussion point that I'd like to have it I really wish you guys would give an opportunity for the groups to get together and do this before you change the contract. Bernie Brown: When did you meet with the YMCA, you mentioned Chris O'Brien? Chad Laswell: Yes I actually met with Christ approximately one month before the season started which was in May. At that time we actually went out to the fields; he says this is where we're going to be at and I asked if we could get any other space provided, I also contacted, because I already knew space was going to be limited, I had already talked to Scott about the area that's in between the newly poured gravel and the old baseball field that has since been torn down; there's a major dip there; when I brought it to the Board previously I talked about the rocks and boulders that were in there; Scott did tell me that during the off season that he would work one with getting it leveled, and also not only getting it leveled but putting grass seed or whatever down. I guess from my standpoint I feel like that we've had a relationship with the City for 45 years and we have always kept our nose clear we just want to teach our youth and we just want to do sports. Bernie Brown: Did you meet with June Daugherty? Chad Laswell: No. I know June by name I've never met her; the only person I've ever talked to was Chris and I've asked specifically to speak to June and every time Chris has come out and talked to me. Bernie Brown: Would you be willing to meet with June and the YMCA and see what could be worked out? Chad Laswell: I do not have a problem with that. I've always been willing to work with anybody. Again it's always been about the kids for me. That's what it's about for me. Dana Bischoff James: I would say that Mr. Laswell being on the flipside of it I think he would be more than willing to work with the YMCA after going through the turmoil that he's endured so I would like to see the contract be in somebody else's hands that wants it resolved and the YMCA didn't keep their end of the bargain. Steve Larimore: Whoa, let's be real careful what we're talking about here. Dana Bischoff James:

They stood before us and said that they would work with the football team. Steve Larimore: And he never went to see June. Chad Laswell: June would not see me. Steve Larimore: Here's another thing. Who is paying the electric bill at the Parks? The YMCA has been paying the electric bill for a long time. The other piece is who's been doing the maintenance and improvements to the fields to get them playable over the last 13-15 years; and what has the City gotten out of this relationship? Mayor Ellis: Our guys are the ones that cut the grass and fill the holes there. I do know this. Steve Larimore: I know the YMCA has put a lot of money into that Park. Mayor Ellis: They may have but our guys are out there taking care of these parks. Steve Larimore: Is this contract going to have them taking care of maintenance and things that need taken care of? Gloria Taft: Steve you might now know the answer to this; is there a reason why the YMCA didn't come in to renew it? Steve Larimore: I can't speak to that other than an administrative oversight because the YMCA fully intends; at our last Board meeting we talked about the start of fall soccer and playing over there at those fields. And in my opinion it's simply an administrative oversight by the Director who did not send you a letter. I'm not real happy about that; it would have kept me from having to stand up here. Gloria Taft: Because it wasn't 30 days this contract is technically expired. Steve Larimore: I understand that; that's what's got me ticked off on that side of it. We have to approve that as a Board. As you'll see on there we have to approve it locally just like you guys. Mayor Ellis: Two years ago they left the Park and went to the Roby fields; which at that point in time we were told they were going to stay there for a couple years and they didn't; they came right back the following year. Steve Larimore: There were safety issues; a car ran out in the middle of the field off the interstate. I just request you guys put this on hold and have a conversation with the YMCA and if it requires me ... Mayor Ellis: What does your schedule look like this week during the day with you being the Chairman? Steve Larimore: During the day, I've got a real job Scott. Mayor Ellis: I realize that; what time do you get off? Steve Larimore: I could be here at 4:30 on Thursday or Friday; that's the best I can do. Larry Hatfield: I personally think we need to; before I vote to change anything I don't know enough about this and I apologize somewhat because I've been at the hospital with my mother in law since Wednesday until today; but there is something going on here I don't understand and without meeting with both parties and discussing it with them... Bernie Brown: I agree with Larry, I just found out tonight that there was this conflict and I'm not going to be hasty and make a decision without knowing more. Larry Hatfield: There has to be a way to work this out with both of you all. Gloria Taft: This was brought to us last year at the same time and obviously nothing has been worked out. We're still in the same holding pattern between these two entities. I think it's terrible that the City is put in the middle of this situation. Bernie Brown: I only found out tonight that there was this conflict. I would prefer to have more time and I would really like to see you and the YMCA meet and discuss and see what can be worked out. Dana Bischoff James: I don't know if I need to rescind or re-term my motion; jut to add to my only other request in addition to accepting this is that you will format a Lease Agreement that has these terms with actual signatures. Mayor Ellis: I think what they need to do is they need to get their legal team in touch with Joe Wantland and have a contract written up. Dana Bischoff James: What I'm stating is that we accept this; getting with Mr. Wantland, an agreement and draft the signatures in there. Mayor Ellis: It's not really a lease, they are not obligated to uphold anything if it's not a technical lease. Gloria Taft: Once you accept it you accept it. It's not a good idea to accept it with unknown conditions if you want to do that you should, in my opinion, I would table it until they bring it back. Dana Bischoff James: With an Executive Order that the Mayor can sign as long as it meets these terms. That way it doesn't have to come back before the Council. Bernie Brown: What is the urgency here? Does this have to be settled tonight? Dana Bischoff James: They are in the middle of their football season. Bernie Brown: I know but what if we took another week or two to make a decision. Dana Bischoff James: We don't have a meeting next week. Mayor Ellis: What you're looking at possible Bernie is if we can get these guys to make an agreement; a handshake agreement, it's on the record right here, that they'll share this field until we can get this hammered out I have no problem with that. But I don't want to see the Titans get kicked off of these fields because the YMCA starts their games and practices now. Dana Bischoff James: That would set them four weeks from now which is the majority of their season. Their season ends November 1st. Bernie Brown: I still think it would be better for the Titans Mr. Laswell and the YMCA to see what kind of things they can work out. Dana Bischoff James: We've been there Mr. Brown. Mayor Ellis: I don't want these gentlemen being kicked off these fields. Chad Laswell: We're the only ones that can kick them off right now because they don't have a lease. Right? Mayor Ellis: If they come in and are sitting up their soccer fields then they are technically telling these guys, get out. Larry Hatfield: Where did you all play last year? Chad Laswell: Last year we had two teams on one baseball field,

we have the other field on the other baseball field that is now being used by a baseball team. Mayor Ellis: You've had contracts with two schools for two years now. Larry Hatfield: I'm sorry for being uneducated on this but I don't really know what is going on down there other than I know we've been involved with the Y for many many years so the Council can vote however they see fit. Can you tell me the motion one more time? Dana Bischoff James: My motion is to accept the Lease Agreement with the contingency that they meet with Mr. Joe Wantland to have it formally filled out in the proper contract form with signatures and our Mayor to sign off on it when drafted on the contingency of these terms. Mayor Ellis: Would they technically be able to vote on this and me sign a legal binding contract without it being voted on by the Council? Attorney Scott Wantland: I think you can delegate to him the ability to enter into a Lease consistent with the terms of this proposal; I think where it gets potentially challenging and this is where lawyers kind of ruin everything, is if it doesn't mirror letter for letter word for word has he really entered into something that purely reflects this? I think in a perfect world and I understand that my clients come to me as they come to me not as I come to them we would be voting tonight on a lease; it would say Lease at the top and it would have terms and there would be signature blocks on the bottom; we don't have that. And I think when you do something other than that you invite yourself potentially, and that's if somebody wanted to spend the time, money and effort; I think you open yourself up for something there. I don't want to get too far afield and offer a suggestion that nobody asked for but I think I might have a way that everybody wins here, maybe. If you all are of the opinion that the Y has exceeded its term and they are no longer under this Lease entitled to occupy the property in the event that they would try and occupy the property and the way they would try to occupy it would be putting you off then I think at that point you would certainly have the ability to for lack of a better term, evict the Y. I don't think you want to do that. At the same time if you're asking the lawyer how to solve this like a law problem, you've got an expired lease; you want to put somebody else in possession; somebody else that's a holdover theoretically tries to exclude you at that point the landlord could come in and basically say you the other entity no longer have the right to exclude new entity; we're going to put you off; then you can come in behind and do your new contract. I don't think anybody wants to do that and I think that everybody wants to try and get along here. But if you're asking the lawyer how do I make sure these kids get to play football but I don't necessarily have a lease to vote on here tonight; how can I skin that cat; I think that what I just came up with is probably the most legal for better, for worse, most legal way to get there to that end. Dana Bischoff James: What exactly are you proposing? Attorney Scott Wantland: In my perfect world you all would have a lease to vote on tonight. That didn't happen. You've got a proposal here. I think some people are making it very clear that you want the Titans to be able to finish out their season there without any guff at all. I haven't heard tonight anybody say that the Y did what they were supposed to do under the terms of their Lease under #2 which was giving that written notice. So I think if the Y tries to exercise control over the property I think you would have a more than valid eviction; nobody wants to go down that road; but from a lawyer's perspective that's how you would do it. Dana Bischoff James: So for scheduling purposes because we will not have a meeting in two weeks, so it will be four weeks from now before we have a meeting; that's four weeks that the football team does not have a designated location or time. Mayor Ellis: I think we as the scheduling entity give them a set time; you're on this side of the park and you're this time to this time; YMCA you're here. Randy Hammond: We make a motion to split the park in half for the next four weeks; you bring us back a lease in four weeks from an attorney or legal entity that we can vote on; you guys do the same and we'll hash it out. Chad Laswell: I think where the Titans are concerned is that we would never, as long as I'm Chairman, I would never tell the YMCA or any youth organization that we've got this area and you can't. I would never do that and if that needs to be put in the contract that's fine. The way this contract is currently stated with the YMCA is that they have priority over any other activities. I'm not even necessarily sure that we're even asking for priority; we're just asking for an area of land that we can practice; like I said we've already displaced two teams and it drives me nuts every time because if a child is injured on another field and I'm at the soccer fields and their at the baseball field and there is a bad break; I can't be in two places at once. And my son is playing football on the baseball field. But the job of a chairman is to be there at the YMCA fields so I do not get to watch my son practice which is another story but to make a long story short is that we would never purposely tell any organization they could not; we just want to make it work. Dana Bischoff James: And I'm going to state also that you've been on the flipside of that so that's why I feel like you would be very responsible. Mr. Wantland, what is and I understand you said this would have to mirror word for word in order to do it the way that I'm proposing. Other than signature blocks what else; format obviously; but what else is lacking? Attorney Scott

Wantland: Again reading this very briefly; on my left hand side I've got the lease that exists now and on the right I've got lease conditions. Without getting in to the merits of any of the bullet points, I don't see anything about a beginning time, and date, I don't see an end date, I don't see anything about where people are supposed to sign, I don't see anything in here about providing the insurance coverage as a condition of the lease; I think that, while I think they say they have it, no disrespect to you, I'd want that in there because if that went away you would certainly want them gone. It's not that what they are proposing here and again understand I'm just giving advice I'm not the person what makes the decision; it's not what they are proposing here is bad it's just what they've got here is a proposal and I think for you all to enter into a contract they ideal way to do it is to have a contract and vote to accept that contract or reject that contract and you don't have a contract in front of you tonight to vote on. And I think that if you authorize the Mayor to enter into a contract consistent with these terms I think it gets you there but I think it puts wiggle room in there. Dana Bischoff James: Could we not add the inclination of the start and end date and insurance being understood? Chad Laswell: The whole purpose of me not putting a date is that I had put that it would be for one year; I did not specify a date because I did not know when formally it would be accepted and/or signed. That's the reason the date is not there; it does say one year which is on the second page. Basically every one of these bullet statements are mirrored with what the YMCA's current contract is. Dana Bischoff James: One year begin with written notice so that would be a start and end date because the written notice would be from us so that would be a start and end date. So the other item in the inclusion of the insurance policy? Attorney Scott Wantland: I think you would want any entity that's leasing this property to be able to provide you proof on insurance coverage. Larry Hatfield: No offense Mr. Laswell please don't take this wrong, but we should not be signing a lease that our City Attorney did not draw up; in my opinion. I am totally really confused as to what is going on down there; what we're doing. We can't just sign leases that we didn't write. I'd love to see these two gentlemen get together come up with a solution; we draw up a nice little real estate lease and go from there. Dana Bischoff James: That leaves them one month because if we go four weeks from now that leaves them one month. Larry Hatfield: I don't think we should give them a month I think we could call a special meeting for these kids. Dana Bischoff James: I don't think we'll have the personnel who is able to show up for one of those; we've had several special meetings called and the Council is unable to attend for various reasons so I don't think we can count on something that has been proven unsuccessful. There are 142 participants right now. That doesn't include the families; like he said this will impact 700 families so if we're not able to come to a consensus tonight that leaves us voting at the next meeting which leaves them one month of practice time without any type of security within their team so I would rather add it mirrors this; they include the insurance, it has a start and end time; and then we go from there. Steve Larimore: Let me just make an assurance; I will have somebody meet with you before the end of this week and I promise you the YMCA will not interfere with your football team. Get a proper lease, whoever gets it gets it but we'll fix this so they are guaranteed to play. That's the best I can do. But I promise you we won't impact those kids. But we'll figure out how to get this done and we can have a real lease. Whoever gets the lease it's fine if the parties can't get along then if they have the lease we'll have to find something else. Please don't sign the lease tonight and lock anything in I will personally promise you if I have to take off work we will have the meeting before the end of this week and we will guarantee these guys have their practices; do everything they need to do. If I'm not mistaken I think the Y's games are on Saturday; you guys are over at the regular field playing on Saturday so our games are not going to interfere with that and that's the biggest problem we have. Mayor Ellis: We just have to make sure Steve that we're all on the same sheet of music for practices through the week. Steve Larimore: And that's exactly what we have to meet about otherwise it's not an issue. I will make sure it happens before the end of this week if you guys will put this off until the next meeting. Dana Bischoff James: Mr. Larimore you are giving us your personal word that there will be no interference whatsoever? Steve Larimore: I will tell you this right now there will be no impact on these kids being able to practice football and do what they need to do. I will promise you that. Whatever it takes I'll get it done. Attorney Scott Wantland: This might be the first thing I've said that will make you happy; do you warrant on behalf of the YMCA of Greater Louisville Inc. and the Bullitt County Family Branch that on behalf of those entities that you are agreeing to surrender possession of the premises for any games or practices they may have between now and the time that any lease is entered into. Steve Larimore: I can only speak on behalf of the Bullitt County Family Branch and considering the fact that I don't have a right to be on that field because our lease is over, I don't have a right to warrant anything that I don't have any control over. Attorney Scott Wantland: I'm playing lawyer here. Steve Larimore: Does

that make everything work well? Attorney Scott Wantland: I think it does. Steve Larimore: If it does Scott I trust you, yes I do. Attorney Scott Wantland: And you acknowledge that, and again I've been through one of these and it's gone on for 14 years, you understand that the City of Shepherdsville police has the ability, and I know it won't come to this but they have the ability to put the Titans in possession of the premises if it comes to that. Steve Larimore: I will go with the Chief and help him get them off there if that's what it takes. Whatever it takes to make these kids get to practice; we're not going to mess with it as the Chairman of the Board I guarantee you we're going to make that happen. If they have to be kicked off I'll help kick them off. Attorney Scott Wantland: And you have the ability to bind Bullitt County Family Branch. Steve Larimore: Yes. I've got two board members here. Ashley Bratcher: I'll rescind my second. Attorney Scott Wantland: Does that make everybody happy? Steve Larimore: It's my word, me personally, Steve Larimore. Dana Bischoff James: Realistically we will not be meeting until October. Steve Larimore: It gives you a chance to do it right. Mayor Ellis: It gives us the opportunity for everybody to be able to work together in the future. Randy Hammond: One last thing Mayor without a lease for either entity can we allow these kids to play from a liability standpoint? Mayor Ellis: I think you can as long as they are both showing they have insurance and their insurance is on file. I don't think it would be any different and this would be a legal question, I don't think it would be any different than First Baptist Church coming up there and having a kick ball game. Dana Bischoff James: If I'm not mistaken I think we may need to contact our insurance carrier and ask. Dana Bischoff James: Due to Mr. Larimore giving us his word I will rescind my motion. Chad Laswell: I was also requesting from the City permission to place a storage building located behind the concession stand. Mayor Ellis: Don't do that until we get a contract. If you put it on there now without a contract and you decide to leave I think the Commonwealth of Kentucky stood up when Kentucky Kingdom left and if it's anchored to Commonwealth property it belongs to the Commonwealth of Kentucky. Dana Bischoff James: May I interject? Is this a moveable building? Chad Laswell: Yes it is moveable. It's not a permanent structure. Dana Bischoff James: Once he brings the insurance because I personally know what it's like to transport sports equipment; may we make an agreement if it's a portable building they can move it there. Mayor Ellis: As long as it's not a fixed structure I think they are fine.

New Business:

Approval of a Parade Permit for 5K walk/run sponsored by KORT Shepherdsville to be held on October 24th. Dana Bischoff James made motion to approve. Larry Hatfield 2nd. Motion carried 6-0.

Approval of a Parade Permit for Toys for Tots on November 1st. Dana Bischoff James made motion to approve. Larry Hatfield 2nd. Motion carried 6-0.

Approval of Lease Agreement for 170 Frank E. Simon Avenue, Probation and Parole offices. Gloria Taft made motion to approve. Ashley Bratcher 2nd. Motion carried 6-0.

Attorney Scott Wantland read Proclamation 2015-01 declaring October 18-24 "Freedom From Workplace Bullies Week". Dana Bischoff James made motion to accept. Randy Hammond 2nd. Motion carried 6-0.

Attorney Scott Wantland read Resolution 2015-05 authorizing the Mayor to open a new bank account for the General Fund at Your Community Bank. Gloria Taft made motion to accept. Larry Hatfield 2nd. Motion carried 6-0.

Attorney Scott Wantland had first reading of Ordinance 015-(number to be assigned) rezoning property owned by Zoneton Developers Inc. from AG, B-1 and I-G General Industrial. Property is 51.75 acres, (+,-) and is located on S Preston Highway. Mayor Ellis stated the second reading would be October 13th.

Attorney Scott Wantland had first reading of Ordinance 015-(number to be assigned) rezoning property of Oma L. Shaw Estate, Karen Sullivan Executrix from AG to I-G General Industrial. Property is 88.63 acres (+,-) located at 5231 S Preston Highway. Mayor Ellis stated the second reading would also be October 13th.

Daryl Lee: No report.

Duane Price: No report.

Sign in Speakers:

Larry Clark: Last week a gentleman brought up about a barrier between a resident and a business. Would you clarify that it is resident to business or R zoning to Business zoning? **Mayor Ellis:** Are you talking about behind the Depot Bar? **Larry Clark:** What is the difference? **Mayor Ellis:** Myra what do you know on this? **Myra Minton:** That's because part of it is residentially zoned and businesses zoned so I guess according to the County Ordinance there has to be a fence between there. **Larry Hatfield:** A barrier I think. **Myra Minton:** Yes, a barrier. The type of zoning on each part; one is business, one is residential. **Mayor Ellis:** Does it have to be the whole length of that property **Larry?** **Larry Hatfield:** I don't know. **Mayor Ellis:** The property that he is inquiring about I'm sure has a fence right behind it as well. **Larry Hatfield:** On that property you're going to get in to two different zonings because where the apartments are in probably R-3 but it still may be commercial; I don't know I would suggest **Larry** talk to **Roanne Hammond** or **Bryan Richardson** because it's residential; they can still live in a commercial zone. But there has to be a barrier between the zone; I don't think it has anything to do if anyone is living there or not. I think it's the zone that indicates that but don't hold me to that I'm not going to sit here and tell you I know that. **Larry Clark:** This is what I was getting at, is it the zoning or the resident to business. **Larry Hatfield:** And that's where Planning and Zoning would be the best place to go. **Larry Clark:** Would you have a comment on that? **Attorney Scott Wantland:** What I don't know as I sit here is what's zoned what. I think if it's zoned business it is supposed to have that barrier but I think what you all are talking about is something that might supposed to maybe be business but isn't. **Larry Hatfield:** I think there is a business but does it border residential; I think this business is going to border more than one zoning. **Larry Clark:** Where I am coming from is next door to me; there is a business there and I live there I'm a resident. **Larry Hatfield:** But your property is zoned commercial. **Larry Clark:** That's what I'm trying to ... **Larry Hatfield:** I think commercial butting commercial there is no barrier. But I would go to Planning and Zoning. **Larry Clark:** This is where I'm coming from; does a resident mean a resident or am I a resident on commercial property? **Mayor Ellis:** I think it actually means that it has to be zoned R-1 versus... **Larry Hatfield:** I think zoning indicates it. **Larry Clark:** It would be zoning to zoning then. **Dana Bischoff James:** I would double check. **Mayor Ellis:** Yes, I would take **Larry's** suggestion and go to see **Roanne** and those folks at Planning & Zoning.

Department Reports: None

Council Reports:

Dana Bischoff James: I going to request that we go into Executive session regarding Personnel Issues.

Bernie Brown: I was wondering if you all have done any more work on the issue of Planning & Zoning and our Ordinance about requiring developers to have a surety bond. I haven't heard any more about it. I know you all are having some meetings. **City Clerk Richmond:** We are in the process of finalizing that. **Scott Fleming:** We have been working on it; we just purchased CityWorks and we are working on the permit side of it when we get through that we can actually develop the process. **Bernie Brown:** What's the next move? **Scott Fleming:** We're implementing CityWorks right now with the Admin side and they are getting the permitting process lined out. There are a lot of things that go hand in hand in the development process. When we get done with that we will finish up the whole development process. **Bernie Brown:** And then the Ordinance will be redone? Have you gotten with Planning & Zoning? **Scott Fleming:** Rob, Arthur, and I we've dealt with Planning & Zoning a little bit on this. We want to monitor things inside the City right now. **Bernie Brown:** The only other thing is this railroad crossing up here on 44 it is absolutely terrible and I know several residents have contacted CSX, the last time I contacted them was on the 15th of July they said they would turn it over to their Engineering Department and it is definitely CSX's responsibility to maintain. They will actually repair it or contract it. I could not get a schedule or even an estimate when they are going to do that. I plan to call them tomorrow and see if I can get any more information but something needs to be done now. **Dana Bischoff James:** Mr. Brown, you follow up with them; I will too, they were out today so hopefully that's progress but they did follow up with a letter from me and a phone call so continue to stay on them. They were out there today and hopefully that's what they were working on.

Gloria Taft: First I'd like to wish Tammy happy birthday yesterday. The vehicle signs look good, thank you public works and sewer department for getting signs on our vehicles so we know where our City vehicles are going. An update on the road; we met with Ms. Belcher, Representative Tipton and Representative Webber and they are ecstatic about where the process is. They are very very positive that this is going through. We updated them about the number of people and the amount of tax revenue that is going to be coming in; not only to the City but also to the State. We were updated that Governor Beshear and the Transportation Cabinet has indicated that they would use State funds to build the Loves fix, the interchange and access road to connect with Alpha Way to the interchange to I65. It is on the Governor's budget and the Representatives are working to get it on both the State and the House budget as well. We have been told once it's on the budget it's easier to be removed if we don't need them to do something than it is to try and get it on at the last minute. The Governor also indicated that the \$1 million allocated by Shepherdsville to plan the design for the entire project could be used for the building of Shepherdsville's side of the road; the State does not need our \$1 million they returned it to us. The State of Kentucky issued an RFP for professional services to design the west I65 loop around and the interchange access road and the access road to 61 this contract was awarded as of September 5th so the State is well on the way to having their portion done. They are not waiting for us and they are excited that we have such a good timeline. I have been informed that I do need to bring to Council for a vote the name of the road. The name that was presented was Alpha Way so at this time I'd like to make a motion to the Council to accept the name of the new road as Alpha Way. Dana Bischoff James 2nd. Motion carried 6-0. The Loves bid has been accepted and they are looking at a November 1 construction date. Special permits are on the special project list for next year's funding. The RFP is expected, we published it on September 1st that will be due back September 29th; first Arthur with engineering services will go over it, he will come back to the committee; then the Committee will bring on October 27th the RFPs for vote on which one to accept. The State on their drawings for the Loves phase are going to cut out the curb on the other side of the street from the new Loves interchange showing that they are in favor of where our road is going to be. Bernie Brown: What's happening about the new interchange going in? It's so important because if that interchange does not go in there were essentially spending millions of dollars for a road that goes to a cul de sac and that will not resolve the traffic problems on 480. Gloria Taft: The State of Kentucky issued the RFP for the I65 loop around; the interchange access road; the interchange on to I65 and the access road to Route 61; this contract was awarded on September 1st. So the design contract was issued on September 1st. Bernie Brown: Do they have the right of ways signed and agreed on? Gloria Taft: Most of them but the State has told us because this is the State's project the City does not need to worry about what the State is going to do. Bernie Brown: Well I am worried if we're using taxpayer's money. Gloria Taft: We're not using taxpayer's money at this point; it appears we're going to be able to secure a loan from the State which would give us a two year leeway before anything is due before we have to make any payments whatsoever. Bernie Brown: But ultimately it will be paid back and it will be paid back with tax revenue. Gloria Taft: The State is already spending money to get this done and to get the right of ways. Bernie Brown: What I'm saying though is if that interchange doesn't go in; I don't have a guarantee it's going to do in. Gloria Taft: We don't have a guarantee we're going to be alive tomorrow. But you are correct we do not want to build a road to nowhere. Bernie Brown: If it doesn't we're going to have a cul de sac there with millions of dollars spent on it and it's not going to take care of the traffic problems in my opinion. Gloria Taft: We have an idea of how the language should be in the proposed contract to alleviate spending money on a road that isn't connected to I65. Bernie Brown: I think we'd be better off if we saw the State having their turn up there for that interchange. Gloria Taft: The State is turning dirt; they are already doing core samples on the Loves fix. Bernie Brown: But not on the interchange? Gloria Taft: They just awarded the RFP; they can't turn dirt before they go through their process. We're in the Governor's budget. This project is in the Governor's budget. Dana Bischoff James: During this meeting Mr. Linda Belcher and Mr. Tipton they were all very confident that they would have this project in all three budgets as Gloria stated. The Governor is pretty secure as well as the House; they are very confident. Bernie Brown: Well that's good; I'm glad they are. Dana Bischoff James: If it's in all three budgets at that point there shouldn't be any concern. Gloria Taft: The State is confident the State wants this project just as much as Shepherdsville does because the State sees how much revenue will come to them through property taxes and employment taxes. They don't want this project to go away either. They see a great need for it. Dana Bischoff James: Because of the growth and development that is already here and they understand that something must be done at this point. Bernie

Brown: I just don't want a road built that goes to a cul de sac. Dana Bischoff James: And we don't anticipate getting to that point. Gloria Taft: Nobody wants a road going nowhere; we want an interchange on I65 and that's what we're fighting for. The fifth member of the Committee is Ms. LouAnn Moore; she is here tonight so thank you for your service to our community.

Dana Bischoff James made motion to go into Executive Session to discuss a personnel issue. Gloria Taft 2nd. Motion carried 6-0. Dan Patchin and Bob Ryan were invited in to Executive Session.

Dana Bischoff James made motion to return to Regular Session. Ashley Bratcher 2nd. Motion carried 6-0. Dana Bischoff James made motion that the City issue Ultimate Plus Lifelock for all employees for one year pending the investigation of the breach of our information. Ashley Bratcher 2nd Motion carried 6-0.

Dana Bischoff James made motion to adjourn. Gloria Taft 2nd. Motion carried 6-0. Meeting adjourned at 8:38 p.m.

R. Scott Ellis, III, Mayor

Attest: _____
Tammy Richmond, City Clerk