

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, AUGUST 13, 2012**

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.

In attendance were Council members Bernie Brown, Don Cundiff, Rob Flaherty, Corky Miller and Faith Portman.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 6/28/2012 special meeting. Don Cundiff made motion to dispense with reading. Faith Portman 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 7/23/2012 regular meeting. Bernie Brown made motion to dispense. Corky Miller 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes from 6/25/2012 regular meeting. Don Cundiff made motion to approve 6/25/12 regular meeting minutes. Corky Miller 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes from 6/28/2012 special meeting. Faith Portman made motion to approve 6/28/12 special meeting minutes. Corky Miller 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes from 7/9/2012 regular meeting. Faith Portman made motion to approve 7/9/12 regular meeting minutes. Corky Miller 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes from 7/23/2012 regular meeting. Bernie Brown made motion to approve 7/23/12 regular meeting minutes. Robert Flaherty 2nd. Motion carried 5-0-1 absent.

Old Business:

City Attorney Joe Wantland had second reading and public hearing on Ordinance 012-(number to be assigned) on request by Settlers Point Business Park LLC to rezone Lot 2-E being 1.325 acres, more or less, from B-2 Central Business to B-1 Highway Business. The property is located on Conestoga Parkway in Settlers Point Business Park. Mayor Ellis asked if anyone was present to speak in favor or opposition of this request. Mr. Ray Bannon, Attorney for the developer stated he did not plan on giving a formal presentation. This is a piece of property that is right down the road; sits right in front of Cattlemen's. It's going to be used for a Ken Towery. It's presently zoned B-2, we're asking for it to go to B-1 so they can do some of the maintenance there. I have with me, Steve Scott, the engineer and Jim Rice from the developer to answer any questions that anybody may have. Bernie Brown made motion to approve. Faith Portman 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland had second reading and public hearing on Ordinance 012-(number to be assigned) on request by Oak Ridge Town Homes LLC to rezone 2.8 acres, more or less, from R-3 Residential with restrictions to R-3 Residential with a relief of setback restriction. The property is located at the corner of Hensley Road and Highway 44 West. Corky Miller made motion to approve. Faith Portman 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland had second reading of Ordinance 012-(number to be assigned) on request by Anna Marie Worner-Akins to rezone 1.5 acres, more or less, from Agricultural to R-1 Residential. The property is

located at 2028 S. Preston Highway. Faith Portman made motion to approve. Robert Flaherty 2nd. Motion carried 5-0-1. (Chuck will check to see if they are on sewers.)

New Business:

Discussion on garbage franchise and mandatory garbage pickup Ordinances. Mayor Ellis: It's been brought up before that folks are not paying their bills like they should. One of the things that have been brought to my attention that could possibly be done is talk to Louisville Water Company about putting the garbage bill on the water bill. If you don't pay your garbage bill – you don't have water. If we can agree to something like that I think it will help remedy their problems and ours. Rob and I were discussing it and we agree that there should never be language in the Ordinance that says the City shall do debt collection. You're tying the City's hands with "shall". Faith Portman: I had brought it up several years back about putting it on the property tax. Mayor Ellis: You could do something of that nature of putting them on the property tax bill but either way we need to do something. Renewal is coming up in October. We need to start renegotiating the contract in the next few weeks. City Clerk Richmond: We need to discuss what the Ordinances need to say and get the bid notice published so we start taking bids. City Attorney Wantland: I'd like to have the Council fill in some of the blanks. Louisville Water wants to set up an office in our City Hall. They want to have a site here where people can pay their water bills. This would be an excellent opportunity; I worked on the Lease Arrangement, and one of the things I was concerned about is the outside of the business premises of City Hall at that window obviously would accommodate two offices. It's the inside that doesn't have the partition. If we can talk to Louisville Water and have a consensus we can be in a position to help collect and service their accounts. They can help us service and collect our accounts. It could be a win-win situation for both but before the Mayor or I go down that road we'd like to have your permission to do that. Faith Portman: I think it sounds like a great idea. Corky Miller: I think it's a big plus because you'll find people that at the last minute they forgot to pay their water bill and rather than put it in the mail and going through that process they'll run over here and pay it. I think it's an opportunity for the community to have a little bit more convenience. Mayor Ellis: You're also going to run into the situation that the Burkland Boulevard office is getting ready to be closed. Robert Flaherty: I think it's a benefit when you have a service provider in our community and I think they need a presence here in the City. They need to have an office here where if people have concerns or complaints or issues they can come there instead of having to call downtown Louisville or drive, even if it's the north end. I would be in favor of trying to work out something with them. Corky Miller: I think we can have a partition made. Mayor Ellis: I spoke with Jim Brammel last week when the partition area topic came up before we started looking at the garbage issue. Jim said if that's what is going to hold up the contract then let me know how much it's going to cost to build a wall. He's anxious to get the contract done and get a wall built. Bernie Brown: In the front office. Mayor Ellis: Yes, in the front office. Bernie Brown: How is that going to impact the other work that goes on there now? Mayor Ellis: When you put the wall up you won't hear each other. City Attorney Wantland: What I'm looking at is that we could perhaps have the water company work with us in a leasing arrangement and if the water company does not have to furnish a full time employee to man that window we could have City personnel person at that window and the water company subsidize that cost which again it would be a position I think everyone could win by sharing. They would share part of the expense on the building; we would share expense on the building; we would collect our garbage fees, collect our water and sewer fees. At the end of the day we would look at it; we'd have to keep some accounting but I think it's got some possibilities that everyone could win from that situation. I don't want to throw you all a curve and bring back something that you all didn't say you were talking about. You don't have to approve it but at least give us the freedom to negotiate it. Bernie Brown: You're talking about just getting quotes right now for building a partition. City Attorney Wantland: Councilman Brown I'm looking at not even building a partition. I think we can collect the water, sewer and garbage and have the water company assist, if you will, or pay for that employee. I think they are willing to do it. They want to have a presence here and if they don't have to staff that position with one of their own employees I think they're very happy to subsidize a City employee to do it. Mayor Ellis: They were looking at bringing one of their employees from Burkland Boulevard to here. Bernie Brown: My

question was you're saying you want the Council to agree to go ahead and pursue ... City Attorney Wantland: Negotiations. That's all at this point. We're going to have to put this Ordinance together for the garbage pickup. I think the Mayor is correct, I think our community, and our citizens will receive a lower rate on the garbage pickup if the City collects the bill. Tim McNally, Waste Management: Yes. In reviewing the past contract that we had with the City, you probably had about a 10% bad debt ratio at the time. That's extremely high. It will help offset some costs. You have to work with some people in order to move this forward because the rate you have now is an extremely low rate. There's some cost savings in this especially when we bring the fact that we're going to bring all new equipment with brand new compressed natural gas vehicles. The big thing is combine it with another bill rather than me come to Tammy and say here is 400 people we need to collect from. Tammy and I have been to court and they just threw us out. We were trying to do what we were supposed to do but it just bogged everything way down. City Clerk Richmond: She told us not to bring anymore garbage cases back down there. Tim McNally: Frankly I really don't have anybody that says if you don't pay us you still have to do it. That's something that we really need to address and it will just help you guys out so much. That's a great idea that the Mayor's got. It will really help out a ton on the pricing. City Attorney Wantland: I just want permission to see what we can do. We don't need a motion. I know the community to our east does exactly that and has been successful in eliminating many of the non-payments. Bernie Brown: It will certainly make it more convenient for the residents of Shepherdsville. City Attorney Wantland: The Mayor and I received what I call a "hot letter" from the present provider and they're upset because of the collections and they are going to have to raise their bid accordingly. We appreciate that and we know that's a hot button for the businesses and we're seeking a remedy to one, keep our costs down to our citizens. At the end of the day the people who don't pay, everybody in the audience will pick up that share and that's how it's done. If we can save you some money, we want to do it. And when you turn off their water, they'll be at City Hall. The Council all agreed this was a good idea and wants to pursue an agreement with Louisville Water Company.

City Attorney Wantland swore in re-appointed Civil Service Member Debbie Hawkins.

Daryl Lee: Nothing to report.

Duane Price: We had a conditional use permit for 1885 Highway 44 West to operate a pet grooming facility. They are not going to have any overnight stays. They will sell dog collars, grooming accessories, bowls, picture frames, etc. Next was in the Cedar Grove Business Park, Associates in Pediatric Therapy, we allowed a variance for a 54 sq. ft. business identification sign for them. Everyone has the same size sign now. It's a nice sign. Next was the tire shop. They asked for a variance to reduce the size of parking spaces; they moved everything off the historic trail that runs behind the building. Trading Post Homes asked for a variance to allow for a 15' left side yard setback to put up a pole barn. Next was Sonic, they have new owners out of Maryland, they asked for a variance to install a 75' sign.

Sign in Speakers:

Duane Price: I had a few questions on the sewer/MSD discussions. Are they going to be over erosion control? Mayor Ellis: That hasn't been totally discussed. Mr. Price: This will be brought before you all before any decisions are made before letting them take over the City. Mayor Ellis: They came and made their proposal. It's just in negotiations now. They've made mention of taking the storm sewer and the sanitary sewers. Mr. Price: One other thing I had and I'm not trying to be a smart aleck but I want to state my thoughts because I am a tax payer. I keep hearing they are going to take over our debt. I thought we had our debt under control and we were coming out of our debt but I can't understand how they can say they are taking over our debt when we're going to show their debt if they take us over. City Attorney Wantland: I share your concerns. One of the major issues in dealing with MSD is dealing with a United States Federal Government. The Federal Government is taking the State Government and mandating that literally at some point we're going to have to have a Regional approach and it's going to be Salt River, Floyds Fork and the

Ohio River and whether we merge or don't merge a lot of the programs are going to have to be done in unison with all wastewater treatment facilities that use Floyds Fork, Salt River, the Ohio River. So we're going to have some partnerships with not only MSD but probably others as well. Maybe Mt. Washington because we're going to have to share those water ways together. Mr. Price: In other words, mine goes back to the dollar amount again. We're \$38 million in the hole and we've been a City for I don't know how long with sewers. I don't know how long MSD has been around but they've got themselves \$1-1/2 billion in the hole. The math is not too hard to figure this thing out. And my way of thinking I'd much rather be \$38 million in the hole than I would be \$1-1/2 billion. City Attorney: I agree with you and I'm the first one to say I don't ever like to lose control. I like my community. I like the people who live in my community. Mr. Price: I guess what I'm saying is I hope the Council, Mayor and Attorney look at this really, really good. Faith Portman: We are. We're not going to rush into this. We've had one meeting with them; we're meeting with them again next Monday, a team of us. Mr. Price: So this won't be a next week we're done and we belong to MSD. City Attorney Wantland: Mr. Price I do believe you're going to have a window employee whether it be a City employee or a Louisville Water employee, but you're going to have the ability at City Hall in Shepherdsville to pay your water bill; and that's for the County. Mr. Price: All I wanted to stress with you is that you just really check this thing out. I've been working with MSD in Jefferson County for 24 years, there's a lot of hoops you've got to jump through with them when it comes to developing a piece of ground. They are pretty hard sometimes it seems like to deal with. It's like they have the final say and that the end of it and that's how it's going to be. I've run into that I don't know how many times with them. In other words there's no alternative when it comes to messing with them; has been my experience in Jefferson County. When they say no, it's no. I just want to know will we have our own Board or will there be a board to take our complaints to? Mayor Ellis: When Louisville Water Company and Shepherdsville Water merged, or when Louisville took over Shepherdsville's debt several years back, there was a Water Advisory Board that comprised the Fire Chief, Mayor and a Council member and met with Louisville Water Company quarterly. Mr. Price: So we will have a representative. Mayor Ellis: Yes you will have that. Mr. Price: That's all I need. I don't want to be out of line I just had a few questions I wanted to ask. Robert Flaherty: As Faith said we've had one meeting; this is going to be a process. It's going to take some number of months, if it happens. There were a lot of questions asked of the MSD people about their issues and their debt and their problems that have been well documented in the media. They were very forthcoming, very upfront. They had all the numbers there. They were telling us about all the fines; all the number amounts. They laid it all out there in front of us. Part of what we made very clear is that if there is any type of partnership or relationship, that we are going to need to protect our employees and not just guarantee them some job but guarantee them a job here in Shepherdsville in the position they are in now. That our customers, or citizens, are protected, whether that's freezing rates, equalizing rates; there are a number of different ways that can look, and at the City as a whole as far as our service. A lot of what we talked about was having now just an Advisory Board, but having the funds kept separately. It would be separate accounts so the revenue collected in Shepherdsville will be spent in Shepherdsville. It's not going to be spent to Louisville. Keeping the accounts separate, at least for a period of time and nothing is going to happen; if anything happens it will be a very detailed, comprehensive, written binding agreement and every detail is going to be laid out. And it's going to be binding on all parties so it's going to take a while to hammer out and there will be a period at some point if we decide to move forward, where there will be public input and we'll get details out there and get the public's input on it. We're just starting to scratch the surface on the negotiations at this point.

George & Gloria Blevens: Corky Miller: Mayor let me say something about this couple. Mrs. Blevens called me a couple weeks ago from Florida; she works for the Army there and she's going to retire and come back here to her lot that's she's had on Hester Street. On that street there are six houses and three trailers. Mrs. Blevens said her trailer has been there 50 years. When she called up here to check about it she found out that area was all zoned commercial. There is no commercial property over there as of now and she wants to come back and upgrade her place, maybe put a new trailer or wide-out in there and live the rest of her life there. Mr. Blevens: It's a 1965 trailer and it was bought new. Corky Miller: You all want to make an

improvement. When I checked it out with the Zoning Board that is zoned B-2 but to me it looks like a perfect R-4 Residential property and I don't know why it's that way. I just wanted to help her. Mrs. Blevens: I just want to upgrade it and want to make it look better. The trailer that's there is in really bad condition and it's not worth putting any money in because the electric and everything. I'd like to move it out, clean that lot off and put something nicer there. I believe it will help the community right there to look better. Mayor Ellis: Rob I'm looking to you on this. With it being zoned Business even since it has a trailer home on it at this point in time. City Attorney Wantland: It's a non-conforming use, that's part of the issue. Robert Flaherty: More than likely because of the ago, and I don't know for certain, I can only assume, that when Planning and Zoning was created and they established zoning for the County that's what the Comprehensive Plan laid out was to be business or commercial. So it's probably been that way since the adoption of the plan at the very beginning and it stayed that way because no one has ever changed any use on it. And as long as it stays the same there's probably not an issue. The problem is if you look at changing the use that may be a problem. Just bringing in another trailer, again that's something that you need to talk to the zoning officials if there is a way to do that through a variance or some other means without going through an entire rezoning process. Either way I don't think this Council can really provide any assistance, at least not from the outset, if it comes to a rezoning case, as comes back to us we'll look at it then; but the place to start is with Planning and Zoning and talk to them about what the options are. If there is a way to go through the Board of Adjustments and just handle it through them or if you need to actually go through and rezone the property. Mrs. Blevens: It was pointed this way so I go back to Planning and Zoning. City Attorney Wantland: You go speak with Ms. Roanne Hammond at the Planning Commission, she'll help you with the process and you need to tell her your concerns. One of the issues with a non-conforming use is that you're not able to sell that use. It could happen that George and Gloria could put a trailer on the property; it's not zoned residential and you would not be able to sell it down the road so the marketability of having a non-conforming use sometimes is very limited.

Gary Board: I noticed that you all are planning to have Adam Shepherd Parkway repaved and restriped. Mayor Ellis: That's already been done. Mr. Board: It has? It wasn't brought all the way out to 44? Mayor Ellis: It's been striped all the way out from Highway 61 all the way to Highway 44. Adam Shepherd has been redone. It was finished last Friday morning. Mr. Board: Okay. If you look at the handout of the picture I had taken from the parking lot at McDonalds that runs along Adam Shepherd. As you notice on the left hand side if you're coming from Kroger, if you wanted to turn on to Keystone Crossroad, if you notice how the striping is, how are you supposed to do that? Mayor Ellis: You turn past the traffic triangle in the middle of the intersection. Mr. Board: But that's two lanes coming from 44 that you have access to turn on to Keystone Crossroad. So you just go over top of it? Mayor Ellis: Make sure nobody is coming and turn. Mr. Board: Okay. I just thought that looked awful odd the way it was striped. Mayor Ellis: That's the way it was originally striped when the road was put in and when they came out and restriped I told them to put it in that way again. Mr. Board: Who takes care of cleaning the roadway from 44 over toward the fence line that runs along Wendy's on 44? Mayor Ellis: That's a state easement there. The State will usually come in a clean that whenever they are getting ready to mow the grass. Some of it is also the property owner. I can send my Code Enforcement officer by there tomorrow. Mr. Board: I know it's on the side of the fence toward 44 is where the tires are. It just looks bad.

Depp Rasner: I wanted to talk briefly about the perspective relationship with MSD. The meetings I've been to; some of the folks I've spoken with, I think their debt service is closer to \$3 billion. At any rate, I would hope that in your analysis with that obviously we need infrastructure to continue development but you might speak with some of the rate payers, some of the users, some of the businesses in Jefferson County and see how they feel about MSD and gain some aspect as to how that would impact our citizens here. Secondly, I think it would be prudent if you guys would look at retaining some expert Counsel in that field to assist in putting a relationship together. It's inevitable it's going to happen but I think it would be prudent that we look at some expert Counsel to procure the agreements and protect the rate payers. The reason I wanted to

come up is mainly to talk about the Civil Service Commission and the idea of abolishing that in exchange for a policies guideline. I think a human resources policies guideline, job descriptions, all that is extremely important and you guys are to be commended for pursuing that for our City employees. I think one of the biggest concerns to me personally would be exposure to the tax payers in terms of liability and risk if all we have is a human resources policy. I would think that if we're going to have a human resources policy guidelines you may think about a human resources director to administer that. The question comes to mind who's going to administer these guidelines and policies. So the Civil Service Commission has served a very important function with our community in insuring that we're hiring quality, qualified employees who have the skills and background to perform the job duties that we want our employees to have while protecting them but it's also protected us tax payers in terms of reducing risk of liability. Do some due diligence on it.

Bill Duffy: I'm not here to talk about rezoning. I know that's a relief for you guys. I do want to bring an item that's occurred in our neighborhood to your attention. On July 31st Mr. Korfhage and Mr. Plenge met with the homeowners of our neighborhood and informed us they no longer have an interest in any of the real estate located in the developed sections of the neighborhood. This is due to foreclosure. In addition, they are trying to turn over the neighborhood association to the neighbors and that's why I'm here tonight, to ask for some direction or the City's position on this. Obviously when they turn over the neighborhood association one of the items they'll have to do is give a quit claim deed to all the common areas in our association which includes the roads. Mr. Wantland I know we had this discussion before, at this meeting they informed us that they didn't have any money and that the association, the neighborhood owed them \$33,000. We're in discussions about that but what I would like for the Council, and I'm not asking for a decision tonight, I'm just asking for you all to start thinking about this, what is the City's position on the repaving of the final coat on our streets when the developers do not have any money. Mayor Ellis: Let us look at some more stuff and talk about it and see what the City can do.

Department Reports:

Chief Layne Troutman: At the last Council meeting I talked to you about the vehicles and I was instructed to go out and get more quotes. I've talked to Conway Heaton in Bardstown, what he told me was more than what we looked at, he never sent me the quote. Today we went to E-town and talked to a guy that had a vehicle, he gave me his price today and I laughed at him because he gave me a price of \$37,000 on the same vehicle we're been looking at. I did more research on the lights and the government quote that was given to us, there are two ways on it, one was buying the vehicle without anything on it which was a payment up front of \$6729.00 for the first installment; then three payments to follow. The other way was to buy it with the lights on it and the payment would be \$7881.00 for the initial payment and three payments after. After talking with some people if you do consider buying this, it would be easier and cheaper for us to equipment it with lights and stuff than going through them for the whole package deal. It would save the City some money for lights, etc. What I'm asking tonight is if you would consider it, I would like to go ahead and get the vehicle on the three year term of four annual payments of \$6729.00 up front out of the \$7000.00 received from the insurance company. Mayor Ellis: What about equipping it? Chief Troutman: The Police Department has been using a company out of Lawrenceburg, he actually is the same company that they use to do it but what they are going to charge on the price of the vehicle for him to do it, the City has already been using him for years and we get a much better deal that what they get from him. Mayor Ellis: Have we gotten a price of what it's going to cost to put lights and stuff on it? Chief Troutman: It will be around \$4500 to equip it. Don Cundiff: If we go with the three, you're saying the first payment will be \$6729.00 with three payments of what? Chief Troutman: The same. It's a lease and at the end of the lease with the last payment you pay \$1.00 and you own the vehicle. Faith Portman: Is the \$4500 just for the lights, or is that everything? Chief Troutman: That will be lights, radios, everything to equip it. Mayor Ellis: I think it's something that has to be done after the issue with the last one. The response vehicle that is being used is the 1988 Ford F-150 pickup truck that is really not something that needs to be used as a response vehicle. It's been used as a utility truck for a reason and that's because of the year, miles, and condition of that vehicle. I think it's important that we

look at that. I wish we were in a position where we could just go ahead a stroke a check for the thing and that way you don't have a liability on a debt that becomes as asset. I think we do need to look at this vehicle. Faith Portman: What year is this? Chief Troutman: 2013 police interceptor with everything on it. It's the heavier duty for response driving. It will last longer. The vehicle that we had was right at 10 years old. Corky Miller: My only comment about this is we spend money for a lot of things. But if we're going to have a first class fire department and a first class police department we've got to see that they've got good and property equipment to operate with. Robert Flaherty: Is this under State contract pricing? Chief Troutman: Yes it is. Robert Flaherty: The insurance check will more than cover the first payment? Chief Troutman: More than cover the first payment. Robert Flaherty made motion to go ahead and move forward with purchasing as requested without the equipment and get the equipment through the vendor we normally use. Corky Miller 2nd. Motion carried 4 approve-1 against-1 absent.

Chuck Keith: As you know in the past I've reported we've had several lift stations that we've had a lot of problems with, starting with Park Place. As of last Friday, that's a complete new station, it's done. We've got to do a little clean up yet but it's completely done. That station should be good for 20-25 years. City Attorney Wantland: Six months ago that's the station you referred to as "junk". Mr. Keith: Yes sir. Dogwood is another station we were having trouble with. We've got two new bigger pumps in it. We've also updated the electric panel in it. So we shouldn't have any trouble with it for a while. Although in Dogwood we do have trouble with pumps stopping up because some of the stuff they get down there I don't know how they do it. Creekview we've had a lot of trouble with, even after we put the new pumps in. What we found out the facing of the new pumps wasn't facing against the anchor where it anchors down so we had to pull them out, machine a rubber seal in it. As of right now we have no problems with it. We put an undated electric panel in it. With the EPA mandate, we've now camered over 25,000 feet of sewer line, we've located a lot of I&I, most of it is manholes. We've made a repair on one of the manholes. But we have several more that we do need to do the same thing too that will really help us out on our I&I and that will be up to you when you let us do it. Our Preventive Maintenance program has been in effect for a while, we're doing everything we're supposed to be doing, and I just want you to know that. We've still got a little ways to go and we're going in the right direction. Since the last Council meeting, I've been asked several times by several people if the Sewer Plant is in as bad a shape as it seems to look like with people coming in to manage us; so I want to make a report to you on that. Last year's budget, we came in under \$150,000. This year's budget on the first month of our Fiscal Year which is July, we're \$25,000 under budget. We're caught up with all our bills and with all accounts we've got a little over \$1 million in the Sewer Fund. I just wanted to make you aware of all of that. I'm sure you are but I wanted the public to know that and everything is headed good. City Attorney Wantland: Chuck, Claude, Scott, back on Old Ford Road we agreed with an elderly woman to do certain things. It looks like we're going to have to start doing those. We need to talk about grinding up some tree stumps; we've got to clean out a fence row or two; we've got to cut in a couple entrances; and I think we're supposed to be talking about a sewer tap. I don't believe we're to run a line. Mayor Ellis: The sewer tap is on Johnson's place. City Attorney Wantland: I'm talking about Mary Baugh. Mr. Keith: I don't know about a sewer tap for her. City Attorney Wantland: Get the contract and get with the Mayor and find out because we're going to have to get that taken care of. She wants us to pay for the logs and as I understand we did everything we could to tell her to take possession of those. Mr. Keith: Every tree they cut was dead. She couldn't have sold it for timber. City Attorney Wantland: We do have to do whatever our contract says. I need to see a signed contract if anybody has that but whatever we need to do down Old Ford Road to take care of our citizens that we promised we were going to do, whether it be Mr. Johnson, Miss Baugh, whatever we need to finish that up and I need to look to you all to help us do that. Mr. Keith: I'm just giving you something to think about, anything we do down that side of the road, which whatever the contract says, I know we're supposed to do, but if the State ever starts that road all that comes out. I've never seen the contract so I don't know what's in it. Scott Fleming asked if they could get a copy of what we have for Miss Baugh so we can get together and take care of it. Bernie Brown: Chuck I have a question. You say that the Sewer Department has \$1 million. Do you know how much of that is already committed? I don't want

everybody getting the impression that things are lovely. I know there is a debt service that is well over \$2 million a year. Mr. Keith: I asked Leanne tonight about the numbers and if we were up to date on everything and she told me yes; I wanted to make sure before I came up here and told you what we've done so far. Bernie Brown: Do you know if the debt service has been paid for this year for the sewer? City Clerk Richmond: We still have December to go. Mayor Ellis: The debt service is a continuous monthly payment. You've got \$94,000 in a bond payment that comes out for the Beam line and that's paid. Mr. Keith: That's why I asked Leanne, I wanted to make sure everything was up to date, we weren't behind on any bills. Don Cundiff: We do have more debt service that's going to have to come out of that million. Mayor Ellis: Yes you do but you're going to continue to increase money that's coming in too. City Clerk Richmond: It's probably all spoken for but at least it's there. Mayor Ellis: You're not going to the bank today to pay the debt service today like we were last year. And your General Fund is not borrowing from the Sewer anymore to pay payroll for the employees now. Don Cundiff: I just want to clarify because I had a phone call today from somebody telling me that our Sewer was making a profit. Mayor Ellis: It's definitely not making a profit. Don Cundiff: That's what I said. So I don't think we want to mislead the public to think we're in a position that we're not. Bernie Brown: Well we shouldn't have to after we've done what we done. Mayor Ellis: It wasn't a popular thing but you had to do it. Bernie Brown: If you're going to be talking about how much money, it's easy to look at a bank balance statement and say well we've got a million dollars. But a lot of that is already committed so if we're going to talk about how much money there is now let's also talk about how much is also committed. That's what I'd like to see. Mayor Ellis: But you've also got to look at how much these guys are saving us right now with this new press building that we have. You haven't presses in how long? Mr. Keith: We pressed five days last month and so far this month 3. Mayor Ellis: We're going to come in under budget on that so that's something that you definitely pat these guys on the back about. Mr. Keith: I want everybody to know that we're doing okay. We're not getting rich I'm not saying that at all but we're up to date with our bills, we're not behind and I know we've got future bills but the money is there to pay them. Corky Miller: I'd like to commend you and Scott on the way you work together.

Council Reports:

Robert Flaherty: Have we heard anything back from our HR people recently because I know they were supposed to be looking at making some revisions. City Clerk Richmond: They told me they were waiting on you all. They can't give us anything until we determine what to do with the Civil Service. Faith Portman: I thought she was going to send us an email after she met with the last group and I've haven't received anything. City Clerk Richmond: I asked her for a copy of the revisions and she said that they weren't ready until they know what to do about the Civil Service portion of it. Don Cundiff: That's the same thing they said to our group. Bernie Brown: That's the very same thing they told us. Robert Flaherty: The Mayor was at the meeting with us and we had pretty much directed some changes to some areas that were pretty clear needed to be made and they said that they would do those as well as answer some questions about retirement and participation in the unpaid sick leave programs and they were supposed to check on that and get back to us. I made a lot of notes on some of the benefits side that until we know where the City stands on that option we don't know really where we want to go on some of the other benefits because that will greatly impact how we handle some of the other things. If we have that option for our employees that's a huge benefit for them to move unpaid sick leave into retirement. That will potentially save a lot of money for the City as far as lost time and not require looking at making some other changes. So I was waiting to hear back from them on that. I'm happy to forward other ideas and start working with the rest of the Council but until I know whether that's even an option for the City it's hard to really decide where we really want to go on some of these other benefit issues because that can greatly impact the amount of sick days, vacation days, a lot of different things that we look at doing and whether we can participate in that or not. If you have an opportunity to get a hold of them and see if they've checked on that, that's one of the primary things. I know the other thing there were supposed to be looking at some wage information and getting back to us on that. And that's something I think the Council needs to start looking at immediately. We need to start working on. There may be areas where our employee salaries are comparable and strong, I know there are some areas where they are not. But

we've got to get some comparative information so we can start looking at it and then I'd love to see the City work on adopting written pay schedules for every position in City government. Police, Fire, Sewer, Public Works, Administrative staff, that way it's in writing, it's clear and it's based upon what the qualifications and requirements of that job are not based upon whose working in it. And there is some type of schedule that our employees can look at and see if there is some type of hope for the future working with the City. They know that one year, three years, five years down the road there is some benefit to staying here because we're losing a lot of good people right now that have had verbal promises; they've been told wait until the next budget and I'll take care of you. It hasn't happened. Our employees don't need any more empty promises. We've got to do something in writing. We've got to do something formal. We've got to adopt it. We're all aware of the financial issues whether we can implement today, January 1, July 1 we'll have to look at it. If the money is not there the employees know we can't do it. But we have to make a commitment to them that we're going to put something in writing and we're going to have it formalized so there is something to look forward to down the road. They've been told too many times that we're going to take care of you next budget. And by doing this it also gives us clarity on exactly what salary is going to be every single year. There will be some changes, you have people leave, retire, new people come in but that takes out a lot of the uncertainty and debate every budget cycle on what our salaries are going to be. If we commit to us, have written schedules, then we know what they are going to be every single year and the next year, three years, five years down the road. And if it's a situation where our finances are strong, our revenue is coming in well, and we have some critical areas then we need to go ahead and implement it sooner rather than later. Even if we have to piecemeal it, we have to do portions of it, and we have to phase it in. but we've got to start doing something because we have areas, like I said, some areas the salaries may be pretty strong, they may be pretty comparable, but when they haven't had raises and they have no hope of getting a raise there's a lot of them that don't see any reason to stick around here. We need to be able to attract and retain good quality employees to serve the people of the City. And the only way we're going to be able to do that is if this Council commits to doing that. Again we all know it all dependent on the finances and where we are and the employees know that. But they've got to have something more than just verbal promises. So if the Department Heads can help working on some of that wage information for surrounding areas and comparable areas, again our HR people are supposed to be working on that too. But anything you can get us will be beneficial so we can go ahead and start working on it. I'd like to begin working on it immediately and start putting something in place in the next couple months. And look at putting it together and getting something adopted. Then we'll decide at that point, look at our finances, see how our first quarter has come in, see if there are areas where we can begin implementing sooner rather than later and we may not because as has been misstated publicly, I don't think anyone up here or anyone on this Council is in favor of spending money we don't have. I haven't heard anyone say that. I don't think anyone has that opinion. But if we had the ability to move forward and make some progress we can't be paralyzed by what's happened in the past. We've got to start looking toward the future and start planning for what services we're going to provide and what the future of this City is going to be. A lot of this needs to go into a larger master plan which is something else that I want to see the City start working on and I've been talking with some people on the Strategic Planning Committee, the Chamber of Commerce, EDA, I will continue to work with them. Unfortunately some things haven't moved real well with a lot of strategic planning efforts in the County but I would rather see the City take a leadership role in that and get out front and if other officials are not going to do it then we need to do it. Start looking at what we want our City to look like next year, five years, ten years, 20 years down the road in terms of services, the geographic boundaries, facilities. If we don't think big, and start planning on it, it's never going to happen. So any help you can give me to get some wage information we need to start working on it and seeing where our problems are. We may find we don't have a lot of problems. I'd be shocked. I think we do. But help get the information and I'll do everything I can to start working on putting something together.

Faith Portman: Mrs. Reading contacted me and wanted to know about the water meters by Public Works. Can we surplus it and sell it to them? City Clerk Richmond: Being on City property I don't know if it's a

good option. Mayor Ellis: I don't know that you can do it either. It was a City service at one time. It's not a piece of equipment so to speak. I don't see where you would be able to do it. Your insurance would not allow you to do it; if water freezes and somebody slips and falls on it; you would have to sell everything over there or at least the building that it's connected to. City Clerk Richmond: When we decided not to sell water anymore I called and had the meters shut off and I went back and pulled the last bill for water haulers. This is pretty typical of what we billed monthly and what we brought in. The bill from Louisville Water for #1 meter was \$505.67. We were paid \$328.10. We lost \$147.57 and \$93.40 on meter #4. We're not getting a break on the water rate anymore we're paying \$3.15 for the first 150,000. In order to make money we would probably have to triple what we sell the water for. Faith Portman: We told her we would get back with her and never did. She wanted to put her own meter in there. City Attorney Wantland: I don't think she's going to be allowed to do that. Faith Portman: I just wanted to give her an answer. Robert Flaherty: My thought if that property is no longer being utilized by the City for anything we need to determine if it does have a use or a future use, if there's something we could potentially use it for down the road then fine, let's hang on to it, if it doesn't have any use to the City today and it's not going to have any foreseeable use down the road, then we need to look at surplussing that property. If there's improvements on it fine, take them and move them somewhere else, if not leave them there, surplus the property and all improvements and look at selling it and getting whatever money out we can. City Clerk Richmond: We did get a letter from the State; they are going to cancel their leases with us. Robert Flaherty: If we own property that is of benefit or use or could be of benefit then fine, if not then we need to move it and get whatever money we can out of it because otherwise it's just sitting there vacant. Mayor Ellis: Once we sell that we apply the principal that comes out of it to this debt here and eliminate this debt. That's the main picture the City is going to have to start looking at over the next few years – eliminating the debt. Robert Flaherty: I think any of our assets, property or anything we have that's not of use or of any benefit, if any of this property can be of any benefit to your department fine, we look at it and it may be something we hang on to but if not we need to move it. Faith Portman: I would also like to extend my sympathy to the family of Benny Dawson. He was a former employee, a very hard worker.

Corky Miller: Mr. Duffy reminded me of this. I hope we get to the point where we require developers to put up a bond so the City will not have these responsibilities. City Attorney Wantland: That Ordinance is in place. You have a Mayor now who is going to enforce it. It's there. It's on the books. I want to say in 2004-2005 and whatever happened has happened in the past. It's been Shawnee Acres, Heritage Hill, it goes on too often. There is an Ordinance. We have a Mayor who is going to enforce it. Corky Miller: The City has done citizens a terrible injustice by not having bonds in place. Faith Portman: We're had it; it's just never been enforced.

Don Cundiff: I just want to say I think the Sewer Department has done a great job and I appreciate everything you've done. It concerned me when I got a call today though somebody telling me that you all are making a profit on the sewer system. As I pointed out to them we've got a significant amount of debt that we're paying interest only on. We've got to get it set up on an amortizing basis which means our payments are going to go up substantially. I just don't want people to get the impression that we're just making tons on money and we're in great shape. I think we need to be realistic. I think we've made a tremendous amount of progress and I appreciate all the work you all have done. But I don't want to give the public the wrong impression at the same time.

Bernie Brown: In getting back to the HR Resources and the personnel manual. I don't think they are going to finish, they cannot finish it until a decision is made about the Civil Service Ordinance. I think there are some problems with the Civil Service Ordinance as it is now. It also is not being followed completely. In fact, Mr. Rosselli, would you like to comment. Where do we stand on the Civil Service Ordinance? Is it okay the way it is? It seems to me like there are some problems with it. I'd like to know, as Chairman of the Civil Service Board, give us your impression on it. Tom Rosselli: In 2007 I gave my comment about the Civil

Service. It wasn't written properly. It still is not, as far as I'm concerned, written the way it should be. It's vague and it needs to be revamped. City Attorney Wantland: Would the Council grant permission for the Civil Service Counsel, this Counsel to re-draft the Ordinance, present it to the Civil Service Commission, and to this Council for approval? Mayor Ellis: That's something I'd like to see. City Attorney Wantland: I agree with Chairman Rosselli. I've expressed this to your Counsel before, what was done to amend that Ordinance in 2007 was wrong. It was not done properly and it needs to be changed. Tom Rosselli: If you're going to have that Ordinance there's going to have to be money set aside every year because you don't know what's going to happen. Anything can happen. It costs to have legal litigation. Sitting up there with three civilians really that need guidance on certain things. City Attorney Wantland: I am looking and Don Cundiff and Faith Portman, the Council had to vote to approve or not approve a Mayor's decision as to an employee and it takes time, effort, and money even under that system. The idea of paying lawyers, you're going to be paying for an administrative type judge type hearing, you're going to be paying for lawyers, it doesn't change does it Tom? Mr. Rosselli: No it doesn't but just keep that in mind. If you want to put a Civil Service in that's going to be good and it's going to be right, it has to be run right. You have to go by it and you're going to have to have legal counsel to make sure they go by it. City Attorney Wantland: I just want permission from this Council to get with Mr. Sholar to present a draft to be approved by the Civil Service Commission and the Council. Bernie Brown: I tell you what now, the personnel manual is not going to be complete until a decision is made. We need to get that manual completed. Faith Portman: She told me she thought we needed to look at it not get rid of it. City Attorney Wantland: At this point in juncture my recommendation to this Council is to redraft it and present it as an Amendment. We have an Ordinance in place now that may be wrong. Why not fix it? Tom Rosselli: If you really want to get down to the bottom of the crux of it it's the stability in somebody keeping his or her position and if you want to have it in your new manual, whatever. The only thing the Civil Service does is if I became Chief of Police and I was a Captain as a road trooper I would come down as a Captain. City Attorney Wantland: What the Civil Service is designed to do at best it can do is try to take the politics out of employment discrimination or punishment and we've had knock down drag out hearings that I sat as Counsel for the City of Shepherdsville, I remember one that went to 4:00 in the morning and you want to talk about paying for lawyers; we paid for lawyers and anybody that says it's expensive, anytime you fire an employee you cost him his job, you cost him his livelihood, and he feels like you've done him wrong, he feels like he's been prosecuted or taken advantage of, he's going to sue you. It's going to cost money. Tom Rosselli: Either way you go make sure you do it right. City Attorney Wantland: I'm saying either do away with it, I don't necessarily agree with that, but I do say if you're going to have it, let's do it right. Faith Portman: I don't agree with doing away with it because it was put in to protect the employees from political harassment and I know that it has went on while people are running for office that put their employees in a position they should not put them in. Corky Miller made motion for the Mayor to appoint a Committee to look at changes that need to be made with the Civil Service Commission. Faith Portman 2nd. Motion failed 2 for; 3 against; 1 absent. Robert Flaherty: For now I would like to see our Attorney get with the Civil Service Commission Attorney and work up some different options and suggestions and bring them back to us and that way we know where we stand before we look at appointing Committees or anything else because it may be a much simpler way to get to the solution to have them work on it and then if we see where our problems are, what the solutions are, then we can make a better determination of if we really have a problem with this Ordinance or not. Right now I'm hearing so many different things about it; I need some guidance and some advice on exactly what our issues are and if there are solutions, what those solutions are. If it's something that's truly going to be effective or not. If there are easy ways to fix this and it's something that's going to be effective then I'm thrilled to look at it. If we take a look at it and figure out that this is just going to be a mess no matter what we do well then we've got a problem. I would rather have Mr. Wantland and Mr. Sholar get together and look at this further and see what they can come up with. Mayor Ellis: I have to agree with you. City Attorney Wantland asked if that was a motion. Robert Flaherty stated if we need a motion he would be happy to put it in the form of a motion. Debbie Hawkins: I would just like everyone to know that up until around March of this year there really wasn't a Civil Service Attorney to my knowledge. Our goal, mission, task when we brought on Mr. Sholar

was to help straighten things out. I wanted everyone to be aware why the attorney came in. City Attorney Wantland: Mrs. Hawkins many people think there's not going to be a cost in employment problems if we do away with Civil Service. There's going to be a cost and many times the problems now are going to be addressed by a Council that is politically elected and what happens it becomes embroiled and it becomes more of a political statement as opposed to an employment statement. Doing away with Civil Service thinking you're going to save money on lawyers, that's not going to happen. Mayor Ellis: I have a motion from Robert Flaherty to have Walt Sholar, which is the Civil Service attorney and City Attorney Joe Wantland to come together, hammer this out, try to work on a few things. Corky Miller 2nd. Don Cundiff: I think number one, HR is not going to be able to finish our booklet until they know which way we're going. I don't have a problem with getting an attorney for the Civil Service Commission, my problem with the whole thing is I think it made everything way to complicated because you're looking at our Ordinances and you're looking at the Civil Service Ordinance. Nobody really bothered to do that and we weren't following our own rules. That's my problem with the whole thing. Nobody really worked it together. It wasn't followed. And that's why I have a problem with it. I think there were too many things that if it wasn't easy to do it was just ignored. And I think if we're going to look at it we need to look at simplifying it as well. Because otherwise it's not going to be used again. And we're going to be wasting more time and more money. It needs to be simplified. It's way too involved as far as I'm concerned. Robert Flaherty: I don't disagree with you. That's the thing I wasn't here when it was passed. I don't have a real background on it just being here a hand full of months so far, so that's why I need some guidance on exactly what the problems are and what the solutions are, if any and see if there's something we can work on. Don Cundiff: We don't have an HR person and we don't have somebody telling us what to do. So we don't need to make it so complicated that it makes everybody throw up their hands and not even try to follow it because that's what we've been doing the last few years. It's too complicated unless we're going to have an HR person who is just going to do that. Bernie Brown: What are we going to tell HR resources? It's my understanding they are waiting to hear. Faith Portman: Well we're still waiting to hear from them. They are supposed to get us stuff of wages. I haven't heard anything from them. Robert Flaherty: The majority of what they are working on has nothing to do with Civil Service. There is a portion of it. But with respect to the policies on sexual harassment, discrimination, benefits, all those things are completely independent of the Civil Service Ordinance. They are not affected by that. Really the Civil Service Ordinance is a matter do they incorporate it into the Personnel Policies or do they not. Do we have to come up with a different system? Don Cundiff: Rob there were things that were going to beef up if we didn't have the Civil Service Ordinance, that's what they are waiting on. Robert Flaherty: If they complete everything else and provide it to us in digital form as they should I would certainly hope that we have the ability to plug in reference to the Civil Service Ordinance if we need to. That should be fairly simple. And if they tell us they are not going to give it to us well then we paid the wrong people to work on it. They work for us. We tell them what to give us and that's what they give us. I enjoyed meeting with them, they were good people to meet with so I don't think there is going to be a problem. Don Cundiff: It was clear from our meeting Rob that they wanted direction from us, are we going to have the Civil Service ordinance or not before the proceeded. Bernie Brown: That's exactly right. Don Cundiff: Those of us at our meeting got that very clear. They told us in the meeting with you all there was quite a bit of discussion about not having a Civil Service Ordinance as well. That they understood there was some talk about that. So they were waiting for us to get back with them. That's the way my understanding was. City Attorney Wantland: At this point there is a Civil Service Ordinance. And one member of this Council made a suggestion that he would like to have it repealed. He's been the only one. But right now we have a Civil Service Ordinance in place. It needs to be amended or done away with. Bernie Brown: This think of amending Ordinances I don't like at all. It causes too much confusion. I think we need to repeal the existing Ordinance and then in its place if it seems to be appropriate to have a Civil Service Ordinance have one that is good, accurate, up to date and simple. City Attorney Wantland: Mr. Brown, part of the problem that we now are facing is that the Amendment to the original Civil Service Ordinance was improper. It's the Amendment that's the biggest problem with the Ordinance that was in place. If you want to do away with it, do away with it. That's the vote of the Council. But that's what really got this thing down the road was the

Amendments that were made in 2007/2008. Corky Miller: I agree with Faith on one thing that she said. That is I think our employees will feel better, whatever we need to do to the Civil Service Ordinance to change it, or make Amendments or make it more complete, I think they will feel more secure and I think a Commission is more apt to follow through with everything than the Council or the Mayor because they can get more involved in it and know more about what's going on. Tom Rosselli: If you look at the 2007 statement that I made, what I said was, if I have to repeat it again, it was illegal. What I meant by that was when you wrote it up it specifically created, in my opinion, it set the stage for a hostile environment for the next Mayor to come because he had to accept the Department Heads which were fixed in place. That's what started the whole mess with it. There weren't policies, guidelines for procedural methods for hearings; there weren't guidelines for procedural methods for the personnel themselves, the Committee to do, there was nothing. It was a joke. I tried to explain it and you all wouldn't, not you all, but the Council kept the same Ordinance. Then the next Mayor comes in, he changes the Ordinance, not like I thought he was going to change it, it's still vague. It's so screwed up right now I'm telling you. It's too complicated and it's too convoluted that it's ridiculous. It started off bad and that's where it started off bad because they had the Department Heads. Robert Flaherty: At this point in time I'm not making any decision whether to adopt an Amendment, abolish it. I don't know until I see what the options are. As far as HR Direct the Ordinance is in place today. They need to draft the policies with the Ordinance in it because that's what it is unless/until it's abolished that's the way they need to proceed as far as I'm concerned. If we want that done then they need to go ahead and move forward. If we decided to get rid of it at some point, I think that we can take those policies with our own staff and make the changes we need to. Mayor Ellis: I have a motion by Rob; a 2nd by Corky, all in favor of allowing Joe Wantland and Walt Sholar to get together and come up with something on this. Motion carried 3 for-2 opposed-1 absent.

Faith Portman made motion to adjourn. Don Cundiff 2nd. Motion carried 5-0-1. Meeting adjourned at 8:15 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk