

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, September 24, 2012**

Councilman Corky Miller gave the invocation

Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:31 p.m. and welcomed everyone in attendance.

Council members present: 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 9/10/2012 regular meeting. Don Cundiff made motion to dispense with reading. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes from 9/10/2012 regular meeting. Faith Portman made motion to approve. Corky Miller 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Robert Flaherty made motion to dispense with the reading of the minutes from the 9/12/2012 special meeting. Corky Miller 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Robert Flaherty made motion to approve minutes from 9/12/2012 special meeting. Don Cundiff 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis announced that the Shepherdsville Fire Department will host the 2<sup>nd</sup> Annual Trunk or Treat on Wednesday October 31<sup>st</sup> from 5:00 – 9:00 p.m.

New Business:

City Attorney Joe Wantland had first reading by Summary of Ordinance 012-(number to be assigned) Amending Sewer Use Ordinance #992-275. Mayor Ellis introduced Cindy Leasor to answer any questions the Council may have. Bernie Brown: Aren't there already about 26 amendments to this Ordinance? Mayor Ellis: That I'm not sure. Cindy Leasor: I'm not sure about that either. I haven't done them. This is the only one I've done. Bernie Brown: I know late last year there were 26 amendments. It just seems like that whole Ordinance ought to be redone and have a single Ordinance done. Mayor Ellis: Repealed and rewritten. Cindy Leasor: There is quite a bit in that Ordinance and it covers a wide range. The pre-treatment program is only one part of that Ordinance and that's what this Amendment changes tonight. But that is a good point if there are a lot of amendments you may want to go ahead and start over. The original Ordinance was from 1990 I think. There have been several changes by EPA in the past 20 years. And what we've done each time is, every time EPA changes their language we have to change ours. So that's probably what's caused so many amendments if that is how many you have. Mayor Ellis: I think it might be in our best interest then to start leaning toward writing a new one and repeal it. Bernie Brown: That's what I would highly recommend. Mayor Ellis: I think that's the direction we need to start looking at. City Attorney Wantland: Ms. Leasor will you contact me this week? City Leasor: It will have to go back to Division of Water for final approval but she's already approved this so that's just a technicality. It will just hold things up a few weeks. Don Cundiff: Are we aware of any major changes that might be coming up in the near future so we might want to wait until something else is coming through or are they constantly changing things anyway? Cindy Leasor: They will typically change things about every 5 years. This is a streamlining, what they were trying to do with this change was to introduce a little common sense into the regulations. So they took a lot of the extra stuff, some things are relaxed a little bit, some requirements, for instance now as the City Attorney read instead of having to publish an industrial user that's caused a problem at the wastewater plant, under the current regs we have to publish them in the Courier Journal. Now we can publish them in a local paper. It's good in what

they are doing here they are trying to soften some of the harder regs and also not require us to have to ... a lot of the sampling if an industry does not, if we don't find a pollutant in an industry we don't have to sample for it as often anymore. Things like that. This should probably take care of us for about the next 4-1/2 years. This has been out now for about 6-8 months so they'll probably tweak something in about 4-1/2 years from now. They changed this and nobody here knew about it. And nobody at the State bothered to tell you so you're a little bit behind. All the other cities have already made these changes. I will say several of them went ahead and just rewrote their Ordinances because of prior amendments but you are now finding out about it and we're trying to catch you up. Chuck Keith: This needs to go ahead and go through. The State has approved it. I thought maybe you were going to say hold off on it. Mayor Ellis: This is just the first reading on it anyway. You won't have the 2<sup>nd</sup> reading on it until October 8<sup>th</sup>. Cindy Leasor: I'm sure if I tell Division of Water we want more time to rewrite the entire Ordinance I think we can get an extension. Do you want me to go ahead and ask for that? Mayor Ellis: Yes.

City Attorney Wantland had first reading by Summary of Ordinance 012-(number to be assigned) regarding post-construction storm water runoff. Mayor Ellis asked Scott Fleming to address any questions the Council may have. Bernie Brown: Is this intended to replace the Ordinance that we passed in April? Mayor Ellis: Yes. Scott Fleming: This is to get our MS4 program off the ground. I've met with Rudy Hawkins with the County, this is one of the things he suggested is that the County and City Ordinances mirror each other so everybody is on the same page when they come in and start building. Rudy's been real good to work with and this is just one of the first steps to getting our program off the ground. Robert Flaherty: If I'm not mistaken the five cities in the North end have all done the same thing; adopted similar Ordinances so that would put seven different entities in the County along the same lines which would be a big help to developers and builders to be playing by the same rules in different areas. Also the County has more resources and experience on the ground as far as some of the plan reviews and inspection process that can be helpful working with them a little closer and this Ordinance helps move in that direction by giving us the ability to work with the County by having the same set of standards and rules where they can help with some of the inspections since they have inspectors on the ground doing inspections anyway. I think this is definitely a good step in the right direction. Bernie Brown: If this is going to replace that other one, shouldn't it say that this Ordinance abolishes the previous Ordinance? City Attorney Wantland: It says all Ordinances in conflict with this Ordinance are repealed in the body of the Ordinance. That would be effective. Mayor Ellis: It would repeal the old one and the new one would come in. That could be a simple thing that we vote to repeal the other one. Robert Flaherty: This only deals with post construction. There's also the illicit discharge and the EPSC. Scott Fleming: Actually they mirror each other if I'm not mistaken. The other two Ordinances mirror the County's. Robert Flaherty: They may already do that and if so then this one is just making all three of them mirror.

City Attorney Wantland Read Resolution 012-015 concerning an account and authorizing signatures on the City of Shepherdsville account at BB&T Bank (GO BAN). Faith Portman made motion to approve. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1 absent.

City Attorney Wantland stated that the City Clerk did inquire about the Republic bank account that was discussed at the last meeting. She can give you a report. But she worked with me on that. City Clerk Richmond stated the note requires that we have to maintain an operating account as part of the loan agreement. So at this point we can't close the Republic account.

City Attorney Wantland Read Resolution 012-016 adopting plats and legal description of prior annexed property of unincorporated territory described in Ordinance #005-674 into the City of Shepherdsville. Bernie Brown made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis: Rob had asked that this be put on the Agenda tonight. I wasn't sure of it but apparently somebody is asking us now to take over Conestoga Court which is going up to the new water tower. I don't know if they are going to add anything else to it. City Clerk Richmond: The water company is asking us to take it over; Bart Potts with Louisville Water asked stating that Conestoga Court provides access to new water tower driveway. It was inspected by Louisville Water Company and GRW and has undergone testing. It is Angi Johnston and Rob Campbell's recommendation to accept; there are no street lights and no other properties are using this access. It will need to be checked occasionally for any illegal dumping but otherwise no major maintenance needs. Don Cundiff: Why do we want to take that over if it's only for Louisville Water and not going to be used by the public? Mayor Ellis: I have no idea and that's what I'm wondering. I was hoping Rob would be here tonight to be able to explain a little bit more to us but he had another meeting that he had to be at. Bernie Brown: If the City takes that over and repairs and maintenance are required later on the City's going to be responsible. Do we know how it was constructed? Does it meet certain standards? According to this email from Angi and Rob they stand behind the inspection. Faith Portman: I'm not real comfortable doing it without having somebody look at it. She made motion to table until next meeting so Rob can explain more about it. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Faith Portman made motion to approve payment of September City bills. Robert Flaherty 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Faith Portman made motion to approve payment of September Sewer bills. Robert Flaherty 2<sup>nd</sup>. Motion carried 5-0-1 absent.

**Daryl Lee:** Nothing to report.

**Duane Price:** Nothing to report.

Sign in Speakers:

**Barry Baugh:** I live at 1823 Highway 44 West. I'm speaking tonight about handicap parking in Shepherdsville. First off I want to ask Mayor Ellis a question. Are you a humane person or inhumane person? Mayor Ellis: I think I'm a pretty humane person. Barry Baugh: Okay. We established that then. There are so many people that violate the handicap parking spaces in Shepherdsville all the time. I see it every time I go to the store; Wednesday's when I go to Kroger Senior's Day. There are people that can run into the store that violate it and there needs to be something done and the police or Sheriff's Department start watching out for the violations and start writing citations. The fine is \$250. Mayor Ellis: Which the City sees none of that. Barry Baugh: The State gets 90% and the City gets 10%. Mayor Ellis: The City does not get anything, the County gets that. Barry Baugh: Here's the law right here. It goes to law enforcement; distributed equally. Mayor Ellis: It says here that it is returned to the County. Barry Baugh: Well County – City. Mayor Ellis: No. There is a difference on the County and City. The Chief and I talked about that the other day after I got off the phone with you. Barry Baugh: But still shouldn't the disabled veterans and elderly and disabled people be treated humanely? Mayor Ellis: Absolutely yes. And these guys do so much. They can write citations on those vehicles. That's not going to stop the guy from doing it again. That's not an arrestable offense is it Chief? Chief Puckett: No. Mayor Ellis: It's just a moving violation. Barry Baugh: Because the City is not going to get any money; how many citations has the City or County actually written in the last year? Mayor Ellis: I can't answer the County. How many has the City written on that Chief? Chief Puckett: When they see the violations they write them. We don't go around every place looking for violations like that we've got too many things to do. If they see them, they will write them. Mayor Ellis: They can't sit out in front of Kroger and babysit Kroger and make sure people aren't parking in the wrong spot. Barry Baugh: Are you willing to issue a statement to Thomas Barr of *The Pioneer News* that the City will be watching. City Attorney Wantland: The Chief and Captain Dan Patchin are going to come to me office this week and we're going to look at the parking ordinance. But we've already scheduled something

this week to address this issue and try to figure out a better way to approach this. That's all I can tell you. It is on the table. Barry Baugh: Well I thought if a statement was given to Thomas Barr of *The Pioneer News* that it could probably deter people from parking in these spots; what the fines are and that the City will be watching out for people. Mayor Ellis: I would be more than happy to tell Tom sitting behind you. City Attorney Wantland: It's a \$400 ticket today; \$250 plus \$150 court cost. It's an expensive ticket. Barry Baugh: Now the City gets the \$150 court cost. Mayor Ellis: No. Here's what you use to have, years ago the cities use to get XYZ amount of dollars for any ticket they wrote. A couple Governors' ago decided he wanted to change that; the money would go back into the State to help the State with their financial issues. Therefore the cities did not. We pay our officers to go to court and see nothing back out of that. Barry Baugh: It states on that paper the officers that write the citations get back 10%. Mayor Ellis: The County gets back 10%. Barry Baugh: I thought the City was in Bullitt County. Mayor Ellis: It is but we don't get it. The County keeps the money. Barry Baugh: It says on the paper I gave you that 10% goes to the County and other law enforcement. Mayor Ellis: That would be the County Sheriff's Department, that wouldn't be the City of Shepherdsville police unfortunately. Rest assured we don't see that money come through here. We do not; but we'll be looking in to it like the Attorney said. Barry Baugh: There are so many people that violate this and the people that really need it that the law was passed for they just don't even worry about it because they are not disabled. Unless they are disabled or become disabled then they would appreciate the handicap spots. Mayor Ellis: Let us look into it and see what we can do. Corky Miller: Along those lines if we ever get a City Engineer I think we ought to put something in writing, I don't think we have it at this point, but any time where there is a sidewalk at a corner that area should be sloped for a wheelchair assessable or for people who would have to take steps.

#### Department Reports:

**Chief Puckett:** I put a surplus list in all the Council's box that I would like to see declared surplus. I can sell some of it on Gov. Deals and I think the Fire Department would like to have some of the radios. Robert Flaherty made motion to declare these items surplus and allow the Fire Department to take a look at them and if there are any items they can use then transfer those to the Fire Department and the other ones put them on Gov. Deals and sell them. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

#### Council Reports:

**Robert Flaherty:** Just a couple quick things with respect to the personnel policies. I spent a lot of time last week working on those and I've got a bunch of notes. I'm going to want to set up a meeting with Suzy Bass here soon to go through some things. A lot of it is just some small corrections and some questions I have from some legal standpoints about a few different things in the policies. I do have a few thoughts on some of the benefit side and things of that nature and I'll be probably getting an email out to the rest of the Council so we can hammer out a consensus on where we think we are on some of those and try to wrap that up. I spoke with our Attorney, he's working with Mr. Sholar on the Civil Service Ordinance as far as some different options or corrections and once we're able to get that; take a look at that and determine what direction we're going to go with the Civil Service Ordinance and I think what's important for people to understand is it's not, at least my position, I'm not in any way in favor of just getting rid of the Civil Service Ordinance by itself. But since we're in the process of working on new policies, if we're able to find a way with our new policies to provide protections for our employees in the policies while also streamlining the process and saving the City money from the standpoint of the bureaucracy we have to go through, the hoops we have to jump through so if we can provide the protection while also cutting down on the process then that's something we need to look at. But I need to be better educated and I'm hoping that Mr. Wantland and Mr. Sholar can help me because I haven't dealt with the Civil Service Ordinance near as much as everyone else. I've heard a lot of very brief references about problems but not a whole lot of specifics. So I need to get better educated on what the problems are specifically if there are solutions to those problems and then start moving from there on figuring out which direction to go. The other think is I've been working on the pay schedule and going through the information throughout the rest of the State on different positions. I know

Tammy, some months ago, sent me information on our employee's salaries. If I could ask Tammy to please send that to me again that's kind of the last thing I need to do is plug in our information and compare it to the State averages. So hopefully by the next meeting I'll have a lot of that put together. I'm going to try to get with the rest of the Council first and see when we can take a look at that and start making some progress on looking at those numbers and seeing where we are with respect to salaries where we have issues or problems where our biggest priorities are. So hopefully within the next meeting or two we'll be able to at least start discussing that more and making progress on that as well.

**Faith Portman:** I have one question, Mr. Miller; he is full time Code Enforcement, am I wrong about that? Chief Puckett: His first priority is a police officer but yes he is full time Code Enforcement. Faith Portman: I thought we had talked about it and he was going to be full time Code Enforcement. Chief Puckett: 99% of his time is Code Enforcement. Mayor Ellis: He doesn't sit out and write tickets or run radar. He still patrols and he still takes calls can make arrests. But in lieu of running radar on the side of the road, he's over dealing with people that don't want to clean up their yards or cut their grass, whatever the case may be.

**Corky Miller:** I followed a dump truck full of rock up this hill the other day and when it went over the new blacktop you could see it move. Is there a weight limit on Conestoga Parkway? Mayor Ellis: That I can't answer. I don't know what the engineering specs are. Corky Miller: There are a lot of heavy heavy trucks that go over that and if there's not that's going to keep tearing that road up. If there is some way we can look into it because we are going to continue to have a big problem. Maybe we could put a weight limit down at that end and have trucks come in at the other end. Robert Flaherty: There are weight limits on every road through the State but there's also certain exemptions if they are within a certain distance from the Interstate because of semi-tractor trailers the State General Assembly has made a determination to exempt roads up to a certain distance so that way tractor trailers can get to truck stops and things of that nature. There are also exemptions depending on the purpose of what the truck is doing. If it's transporting for construction a lot of times they are not required to comply with weight limits because the State wants to promote construction and growth so it's one of those things where you have the law setting a limit then you've got a whole list of exemptions. It's a tough thing to try to police and try to catch them and then be able to have the equipment to weigh them. Posting the signs may help. It's one of those things that is not entirely under the City's control because those are State laws and they set the limits and we just have to try and do the best we can with them. Corky Miller: Mayor the other thing I would just like to mention to the crowd that on the 31<sup>st</sup> of October that will be Trunk and Treat. If any of you all want to bring in bags of small candy to the next couple meetings I know the Fire Department can use them. Last year we had about 2600 people come in out there. We went through gobs of candy and went to get more. We think we've got the money to cover it, but this year I can see at least 3000 people coming in there that night on Trunk or Treat. Everybody has a good time. The Fire Department made chili and hot dogs.

**Don Cundiff:** Is HR Resources working on job descriptions yet. Mayor Ellis: Yes. They've been directed to do this. City Clerk Richmond: They called me and we've talked and they are supposed to be in in the next week or so. They are going to come in and sit down with me then they'll start with everybody else. I've been asked the Norton's building that they are going to build. When is that supposed to start? Is there any time frame? Mayor Ellis: I've heard it is supposed to be started in the Spring of next year and I've also heard early January. I've talked to J about it several times, of course now they're all moving on this building for Ken Towery. I don't know exactly when they are going to do it. I brought this up last time, the drainage issue in Shawnee Acres. Scott Fleming stated he has been dealing with Rob Campbell with Qk4. He's getting all the design work together so we can move forward with that project.

**Bernie Brown:** I've been asked about the status of the lawsuit against the City by the Church. I think a lot of people are wondering what's going on and what the status is. Can you give us a recap on where that stands? City Attorney Wantland: The recap is that the Appellant Church has possession of the records of the

Planning Commission and the City. Their Attorney is to be filing a Memorandum and Brief outlining the position of the Church with the Circuit Court and then Rolling Acres and the City will respond. That's where it is at this point. We're waiting. Bernie Brown: Has there been any hearings held yet or are there any scheduled? City Attorney Wantland: There will be a hearing scheduled after submission of the legal memorandum on behalf of the City. Bernie Brown: When would you expect that to happen? City Attorney Wantland: First of the year. We're into almost October now. I misspoke. I think and I'll throw this out. The Circuit Court Division 1 and 2 but Division 1 they are setting hearings now in December and beginning to get into January. This being a civil matter, someone not in jail, not a criminal matter, I would expect it to be January maybe February before we would appear.

Mayor Ellis asked for a motion to adjourn to Executive Session to discuss three property acquisitions and one personnel issue. On the personnel issue I'll be asking Chief Puckett to come back with us. On one property acquisitions I'll ask Scott Fleming come back. Don Cundiff made motion to adjourn to Executive Session. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Faith Portman made motion to return to Regular Session. Robert Flaherty 2<sup>nd</sup>. Motion carried 5-0-1. City Attorney Wantland: The Council has authorized the Police Chief to certain actions concerning personnel to report back at the next meeting with proposals to be accepted or declined by the Council and we will entertain that publicly at our next meeting. The Mayor has been given instructions concerning property acquisition in the Southern part of the County. The Mayor is going to follow up on that with the directions of the Council and hopefully we'll have a presentation at our next meeting on that item.

Corky Miller made motion to adjourn. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1. Meeting adjourned at 8:08 p.m.

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R. Scott Ellis III, Mayor

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