

CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, October 22, 2012

Brother Mike Miller, Family Day Ministries gave the invocation

Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:33 p.m. and thanked everyone for attending the meeting.

Council members present: Bernie Brown, Don Cundiff, Larry Hatfield, Corky Miller, Faith Portman and Robert Flaherty.

Mayor Ellis called for a motion to dispense with the reading of the minutes from the 10/8/2012 regular meeting. Larry Hatfield made motion to dispense with reading. Faith Portman 2nd. Motion carried 6-0.

Mayor Ellis called for a motion to approve minutes as written from the 10/8/2012 regular meeting. Faith Portman made motion to approve. Corky Miller 2nd. Motion carried 6-0.

Mayor Ellis announced that City Hall will be closed and the Council meeting canceled on November 12th in observance of Veterans Day. He stated we have three more meetings with a couple special meetings we're going to schedule for the year. Larry Hatfield: Can we get by with not having that meeting on the 12th? If something comes up do we need to call a meeting? Mayor Ellis: We can leave it open right now and if we do need to call a special meeting we can. I know that we'll have to have a special meeting on the 5th but over and above that I'm not sure what we'll have; but we'll play it by ear and see.

Old Business:

Mayor Ellis stated we needed to bring this discussion off the table on accepting Conestoga Court. Don Cundiff made motion to bring item off the table. Larry Hatfield 2nd. Motion carried 6-0. Mayor Ellis stated Rob Campbell with Qk4 was present again to discuss this matter. He stated he did want to touch on one thing before we go too far. One of the things that concerns me, when we were talking about what's going to go on that road is with that being a mountainous area and having some trees up there if something would happen and you would have a field fire up there or a woods fire that came down and started endangering those businesses, even if it were in the winter, if we don't have that street in the City and we're not maintaining that street, how are fire engines and personnel going to make it up that hill. That's the one thing that concerns me if we do not. After thinking about it more I don't see where there is going to be any harm in taking it over but I don't have a vote. That's just my thought on it. Rob Campbell: Let me share the additional information I've obtained since we met last. I spoke with Charlie Whiter; Charlie is one of the owners of the Main Street Realty that completed the development. He tells me that lot is lot number nine and that Louisville Water Company is the first tenant to take a lot in that development. There are two or three additional lots that will come off of the Court and they are currently negotiating with some people about some apartments potentially being built up there. So there is another reason to consider accepting the roadway into the City. The other thing that should be noted is just like the Conestoga Parkway irrigation and landscaping, mowing is all being taken care of by the Homeowners Association of that development. So you all would be taking on snow removal and maintaining the roadway if you accept it. That's the other thing I would agree with the Mayor is, some of the things we talked about last time, is that if you all are in control of the roadway if there are things going on the roadway that you all need to tend to, maybe dumping or other things you don't want happening there; it's owned by the City and you have control of it. The Engineering was done properly, the construction was done properly, and there are additional lots. There is a dedicated right of way that you would be taking over that was dedicated as part of a record plat. Those are the new information items I have for you tonight. Don Cundiff: If there is construction that ends up going on up there, and the road is torn up because of that, is there some kind of bond that we can get. City Attorney Joe

Wantland: There is a misconception, no one has the privilege, if you will, to destroy public property, whether it be a right of way, a concrete truck, a garbage truck, but generally speaking no one has that right to do that and the City can require a bond and the City can make then repair and bring the road back to its original state. Don Cundiff: I think we should have some type of requirement if there's construction there should be a bond required because we've not done a good job of doing that in the past. Joe Wantland: It's been negligent as far as what's been done in the past but no one has the right to destroy public property. I think that's a misnomer that if it's a public street that you can somehow destroy a curb or have an overweight truck or whatever, but no if you damage the road you're responsible. Larry Hatfield: I personally do not know how you cannot take it over if there's other development that can come off that street. Rob Flaherty: Rob addressed my question. My main question at the last meeting was whether or not it's been dedicated, if there's a dedicated plat filed, and no one could say last time, and whether it was built up to the City's standards. That's really all I was waiting for is confirmation in that it was dedicated and that it was public and that no one could close the roadway off and that it was built to our standards. With that information again I don't know how we can refuse to take it in either if it meets all our standards. Corky Miller: I agree 100% with everybody I think we should take it over but until something goes on I still think there needs to be some signs. It scares me about kids up on that hill coming down on a bicycle, skateboard and that type of thing. I don't know if a sign up there prohibiting that would relieve our liability or what needs to be done but that could be a possibility for that road; it could be dangerous for kids. Joe Wantland: When I was up there looking at it and it was gated. Rob Campbell: The water tower access roadway is gated but you could still come off the main road like he's talking about out on to 61. Joe Wantland: I agree with that. People who would use non-motorized vehicles coming off that hill are going to be in grave danger either on Conestoga or Preston. That's pretty obvious that would be silly but I don't know how you can control people to that degree. One, they have to get up there with a bicycle. Bernie Brown: You said that the engineering was done correctly; that the construction was done correctly. Do you have first-hand knowledge of that? Do you have documentation showing what specs the road was constructed to? Rob Campbell: GRW Engineering did that. They worked with Angi during the design to discuss those items and they inspected it for Louisville Water Company. They are a reputable engineering firm and they and the water company worked together to construct that properly. So I do have first-hand knowledge of it and I'm certain that's the case. Bernie Brown: Their plan from the get-go I guess was to get the City to take it over. Rob Campbell: Yes. Main Street Realty when I asked them if they had an existing agreement that already committed the City from years gone by that maybe some of us wouldn't know about, they said they weren't aware of that but they did dedicate the right of way and the record plat with the full intention of the City taking it over. Faith Portman made motion to take over Conestoga Court. Corky Miller 2nd. Motion carried 6-0.

City Attorney Joe Wantland had second reading by Summary of Ordinance 012-(number to be assigned) an Ordinance amendment to the City of Shepherdsville Sewer Use Ordinance #992-275. Faith Portman made motion to approve. Don Cundiff 2nd. Larry Hatfield: I don't want the public to get confused on this. This does not take us out of the federal mandate that were under. Joe Wantland: No. But it does get us in compliance. Motion carried 6-0.

New Business:

City Attorney Wantland had first reading of Ordinance 012-(number to be assigned) amending Parking Ordinance 984-112 and further providing for the parking of motor vehicles within the City limits. Mr. Wantland stated this was done with the cooperation with the Chief of Police and Captain Patchin. Mayor Ellis: As many of you recall we've had Mr. Baugh come in several times talking about people parking in handicap spots in the City and that is one of the things that brought this on. We've had issues where people are parking on the street and parking in their yard over sidewalks, double parking on different roads in the City that if you had to get fire apparatus through there is no way you could without destroying a vehicle. Those are some of the reasons why we put this together.

City Attorney Wantland had first reading of Ordinance 012-(number to be assigned) rezoning property of Rivera Equity Investments from R-3 Residential to B-2 Central Business located at 154 and 166 Highway 44 West. Mayor Ellis: The second reading of this rezoning request will be done at the Special Meeting on November 5th that is being held to open bids for the Line F sewer project.

City Attorney Wantland read Proclamation 2012-02 proclaiming the 25th day of this month Win The War! Against Violence – The 2012 Ten Percent Challenge Day in Shepherdsville. Larry Hatfield made motion to approve. Robert Flaherty 2nd. Motion carried 6-0.

Discussion to approve/deny request by Commonwealth of Kentucky to renew lease agreement for 170 Frank E. Simon Avenue for one year. Bernie Brown made motion to approve on same terms. Don Cundiff 2nd. Motion carried 6-0.

Discussion on approval of a Parade Permit for Toys For Tots on November 4th. Larry Hatfield made motion to approve. Faith Portman 2nd. Motion carried 6-0.

Larry Hatfield made motion to approve payment of October general fund bills. Bernie Brown 2nd. Motion carried 6-0.

Larry Hatfield made motion to approve payment of October sewer bills. Faith Portman 2nd. Motion carried 6-0.

Daryl Lee: Reported Shepherdsville has two cases; Dwight Humphrey and a lady on Hester Street who's been in front of you all before who wants to get her property rezoned to move a mobile home.

Duane Price: Nothing to report.

Sign in Speakers:

Barbara Kendall: I'm just here about the trash, Eco-Tech. Are you all going to renew their lease; extend it out to March, or what? Mayor Ellis: We're going to extend it out to March. They've got to get us all the final numbers. We were hoping to get the contract before tonight's meeting so that we could discuss it but it wasn't. Rates will stay what they are now until we get that contract and then we'll go from there. We don't know exactly what's going to happen after March, it just gives us an opportunity to get the bids submitted and also to try to help recoup some of their losses that they've had. Looking at the paperwork when I met with them recently it's in the ballpark of about \$90,000. Barbara Kendall: How are they losing this \$90,000 if they don't pick the trash up? Mayor Ellis: They have to pick it up and that's what we're working toward to get taken care of. Barbara Kendall: That's ashamed. Joe Wantland: It's ashamed but it's even worse if you let people literally dump in their backyard and the street. Barbara Kendall: I know we've got to do something. I'm all for it, but Eco-Tech in the past, I was down here a few months ago and complained about them, well since I complained they've been great. Joe Wantland: I want to compliment you for that because I think a lot of people in the community have noticed that after your complaint and coming to the Council, the management of Eco-Tech addressed those concerns. The Mayor and Clerk's office there's just not the calls there have been. I'm a user, you're a user and I say the same thing you are, the trash is being picked up. It is not being spewed about the parking lots. The whole town is cleaner. So thank you. Barbara Kendall: I was just tired of them not picking up my trash saying the dumpster is too full; or we did pick up and they didn't pick it up. I don't have time to call and make frivolous accusations against someone. But historically they have done this after I complain now they've been great. I'm afraid if they get a new contract they're going to go back to their old ways. Mayor Ellis: Of course we don't know who is going to come in there but one of the things we have to do is we have to get our hands around the folks that are not paying and force those folks to pay because if we don't Waste Management, Rumpke, Eco-Tech, whoever puts in a bid is going to

come in on us. Barbara Kendall: That's right. But they won't take anything extra. If I have to set an old couch out at my apartments they won't take if I don't pay \$40.00. Joe Wantland: If you call them a lot of times they will pick it up but we've put in the Ordinance that they will have pick up days. Barbara Kendall: They will pick it up, yes, but I call them and tell them I've got something extra, but the charge me \$40. Well I have another carrier outside of the City and they'll pick up to ten bags, if I've got a large item I call them they pick it up with no extra charge. But it's a commercial building and I understand that but a couch is a couch regardless of whether it's a commercial building or residential. Joe Wantland: But generally the bids come in Ms. Kendall that the commercial does subsidize the residential and that's fair. Barbara Kendall: I know that. I know that's the way it is but I really don't like Eco-Tech. That was my main thing to be honest with you. Thank you.

Tim McNally: Just very briefly. We already have our bid together but I'm glad that this new information has come out as far as what is owed. I would urge you to look into changing this Ordinance. It is a huge thing. However with that being said when we bid this and if we are fortunate enough to get it, every cart, every dumpster, and every truck will be brand new. The trucks will all be compressed natural gas vehicles. The only thing that's not going to be new there is me! As Tammy knows you'll probably not find any company better or anybody that will work harder for you, and I know this is kind of election season and I'm in an election period myself trying to convince you to take on Waste Management. So that being said, I just want to keep that out there that everything is brand new.

Department Reports:

Captain Patchin: I have one announcement for the Council but before I begin I wanted to introduce Officer Miller. Did you want to announce the Heritage Hills?

Officer Mike Miller: Actually the Heritage Hills thing you all knew that was a problem and we were able to get that grass cut and we did receive \$600 payment for that just the other day. There was one little issue, that was owned by Steve Cox and obviously he lost that and Michael Yaffee out of New York had taken that over so we were able to work with Michael Yaffee up in New York which is a miracle within itself and we took pictures of everything and sent it up to him. They were able to send us a check but we had one little issue we didn't realize that the home off to the side there was some grass there of lots but one of the homeowners showed up today and said they didn't want to make an issue of it so they are going to take care of it themselves and just wait until next year. I just wanted to know if anyone had any questions about Heritage Hills. I'm trying to keep the City cleaned up. I do want to remind all the residents that you can go to the website now that the Police Department has, you can log a complaint, that way nobody knows who filed that complaint. That way you don't have to call you can just do it through the website. Thank you.

Captain Patchin: All of you received this over the weekend, the monthly report from the Chief about the activities of the Department. In there was a paragraph dealing with an email alert system. That's a system that we've used for many years. In fact it was so successful that it just grew outside our capability to actually send emails. It was just too big. So we have partnered with a company called Nickel that has the ability to maintain those databases and to send out the emails. Our agency maintains control over what emails are sent out. The residents won't receive any advertisements. It also allows us to have the ability to send out text message alerts. So starting next month our officers will be handing out those forms. It is voluntary and we will be rebuilding that database. Corky Miller: Dan let me ask you a question. I think this is a great job. You know this is something that we need to get into the newspaper to inform the citizens to let them know that through the month of September there have been 11,999 offenses that you all have been called to or done. It lets the citizens of Shepherdsville know what's going on in the City and they can look at this. I think we even ought to do it for the fire department also. Get the fire department to do a monthly report like this and put it in the paper so people can see what our fire department and police department are doing and when you think

we have 22 officers, there's 11,999 offenses they've been involved in, I think that's good information for them to know that we've got somebody doing something.

Mayor Ellis: Claude is on vacation this week. I will say, and Dan correct me if I'm wrong, but next Monday the gentleman is coming out to start installing the cameras in the park so hopefully we can put an end to some of the vandalism that's going on. It's a great thing. The new playground equipment that they are putting together did not cost the taxpayers of Shepherdsville anything and these cameras that we're going to catch the folks that are vandalizing this stuff has not cost the citizens of Shepherdsville anything either. That's a plus. We're going to put those up and hopefully put an end to it.

WWTP Superintendent Chuck Keith: Just a couple things. As of yesterday the worse sewer lift station in the City was taken offline, which is Best Western; Lakeview is another station we have a little trouble with, it's been taken offline. And not too long in the future we've got three more coming off. Everything is doing well.

Civil Service Commission Chairman Tom Rosselli: I was given the task by Joe Wantland to get the okay to hire Counsel to go ahead and make up a Civil Service Ordinance in conjunction with the other Commissioners and Walt Sholar to see if we can get this thing straightened out. I'm going to have to get with the Department Heads and I'll probably have to get with Tammy and I'm hoping this is on disk so we can expedite this.

Council Reports:

Robert Flaherty: Just a few quick announcements. The Bullitt County Chamber of Commerce annual dinner is this Thursday evening. I think technically the deadline was today to respond but if you contact the office in the morning at 543-6727 I'm sure they will be thrilled to sell you a seat or a table. I talked to the Mayor about the City paying for a table so that way any Council members that want to attend, and you can discuss with me briefly afterwards about who may be able to attend; but I'm planning on being there regardless. But again it's a wonderful event. The speaker this year is Tori Murden-McClure. Some people may remember Tori Murden as a world class rower. She set a number of records. I believe she's now the President of Spalding University and a tremendous speaker. So we're looking forward to having her come out and speak at our dinner on Thursday evening. So again if you haven't yet signed up to attend contact the Chamber office and they'll be happy to take care of you. The other thing is on Tuesday, October 30th at the Conference Centre there is a reception for Bob Fouts. I'm sure a number of people have heard about him stepping down as Executive Director of our Economic Development Authority. Bob was and remains a tremendous asset to this community. The work that Bob did over his nine years as Executive Director has resulted in thousands of jobs for this community and millions of tax dollars for the local governments. When you look at an agency where the public gets good bang for their buck it's EDA. Their budget is incredibly small compared to other economic development authorities in much smaller counties get more money than what Bullitt County's EDA gets. But yet many years our EDA was out-pacing every single County in the State in job creation. And as far as net jobs when you take the jobs that came in and that were lost, there were times when Bullitt County was ahead of Louisville Metro, Fayette County, so he did a tremendous job in his nine years and we hate to see him go. EDA has a hard task in trying to find a replacement. I know they are going to work hard to try to bring in someone who is going to hopefully live up to that standard. But if you can come to the reception Tuesday night to show your gratitude for Bob, that would be appreciated because he certainly did a lot for this community. I have been talking about some of the Civil Service ordinance and some of those issues. I've got a meeting scheduled this Thursday with our HR people to talk about a number of issues with the policies and one of the things I want to talk to them about is without knowing the direction the Council is going to go; ultimately with that is start looking at alternative language for the policy in case there is a decision to do something different than the Civil Service Ordinance to make sure we have language prepared on a process for hiring as well as language to make sure our employees are protected. If there are

any changes or anything that we decide to do differently because we need to have something else in place so we're prepared to make a decision to know what our options are. In addition I have meetings scheduled with every department head over the next week or two to start looking in more detail at salary information. I've gotten all the information from Tammy and Kentucky League of Cities, and a lot of other set wage and salary information. I'm trying to pull all that together so we can come up with a plan to start addressing the salary issues we have with some of our departments. So we can start planning years down the road on where we want to get too to address some of those needs. Also, this is something that was mentioned with vacant properties and Officer Miller's work, Steve Larimore, I want to thank him, he sent us some information about a registry that Louisville Metro adopted requiring these banks to register with the local government of all their vacant properties so that way you have contact information because part of the problem is trying to figure out who to get a hold of when these properties aren't being taken care of. I don't know the details of that Ordinance but it's something I want to look at and see if it's anything that could be helpful to us and try to get some more information so hopefully we can get with Officer Miller and see if there is any suggestions he may have because any help we can have to know whose responsible for these properties is going to make his job a lot easier to help clean them up. Officer Miller: Some of them are coming in now. I don't know where they are coming from but I get them in my box. I have no idea who started it but I'm getting some vacant property notices in my box. Robert Flaherty: Hopefully that's just a matter since Louisville is doing it and we're so close that they are sending them our way as well. But we're probably not getting all of them so anything we can do to tighten that up to make sure we're getting that information I want to take a look at doing so we can make sure these properties are getting cleaned up.

Faith Portman: I've gotten several complaints on Blue Lick Road and I keep telling people that it's a State Road. They patched West Blue Lick near Shepherdsville Elementary but it's horrible. It throws your car everywhere and somebody is going to have an accident. Could you maybe have somebody go look at that because it is really bad. Mrs. Belcher also wanted to know if she could introduce a young man tonight.

Corky Miller: Just want to remind everybody about the Trunk or Treat on the 31st that the Fire Department is putting on. Last year there were about 2600 people that came through and about 50-60 trunks decorated, giving out candy. We're going to have chili and hot dogs and drinks this year free so come out and bring the kids and that's a safety factor for the kids. It's a good project for the Fire Department but that means kids don't have to go in these subdivisions on dark streets and cross streets taking a chance on getting hit by a car. They are right here, parents are with them and it's a good family event. So try to attend that it would be good for our citizens and for our kids.

Don Cundiff: Anything going on with Shawnee Acres and the drainage situation? Are we getting anything moving on that? Scott Fleming: Yes. I'm working with Rob. He sent over the design work on that. Don Cundiff: Do we have any time frame to work on that? Mayor Ellis: I would like to do it as soon as possible. It's all up to us how we want to do it. I'd say our best bet is to put it out to bid and see what we can get on it. I think Angi had said at one time the whole total project was going to be about \$180,000 if we did it all at once. Correct? Rob Campbell: I think it's closer to \$120,000. Scott Fleming: She talked about doing \$80,000 to start with. Mayor Ellis: There is something in the maintenance for that in the budget. Don Cundiff: It wasn't designated specifically for that? Mayor Ellis: It wasn't designated for that especially but there is some money in there for that. And I think it's just for the start-up phase on it not the complete project. Don Cundiff: That would be a start I would like to see us move forward. We've got a lot of drainage issues in the City and that's probably the worse one. Mayor Ellis: Let's get the bid proposals together so that we can get them put out and get this thing voted on soon.

Mayor Ellis: We do have Representative Linda Belcher here tonight and she does have a young man that she would like to introduce to us. Representative Linda Belcher: I have an announcement I'd like to make too. There had been a rumor and several people have talked to me about Preston Street (Highway 61) and all of

you know it's been taking a long time to get that road finished. I did call and talk with our State people and the money is there. The rumor was that the money had been pulled. Well that's not true. We are getting ready to start utilities on the next section which is John Harper to just a little bit below Bells Mill and the money is also there for that next section to come down to Conestoga. I know that is something that you would be interested in because I think it will help our traffic flow. But the money is there and I'm going to stay on top of it. They tell me that I'm persistent and nagging. But that's okay. That's what I do. And now the other day I was at Bullitt Central and this young man approached me because he's interested in being in politics. His name is Robert Lefever and senior at Bullitt Central so he wanted to come tonight and see kind of what politics is like and meet some of you which he was able to do and I told him this was a good way to start learning. I wish we had more of our young people who were as interested as he is. So thank you for meeting with him and talking with him.

Mayor Ellis asked for a motion to adjourn to Executive Session to discuss two property acquisition issues and litigation. He stated he would be asking Mr. Rob Campbell to come back on one of the property issues. Don Cundiff made motion to adjourn to Executive Session. Corky Miller 2nd. Motion carried 6-0.

Don Cundiff made motion to return to Regular Session. Robert Flaherty 2nd. Motion carried 6-0. City Attorney Wantland: The Council has elected to authorize Qk4 to entertain property acquisition on a sewer easement. Certain parameters were given. If unsuccessful it will be the intent of the City to file suit to condemn the necessary property for the easement. The City has been sued over the failure of a wall and some other easement issues along Chapeze Lane referred to as "the Miller property". That has been referred to the Kentucky League of Cities. The Kentucky League of Cities insurance carrier will afford coverage. I've been instructed to assist Counsel in that endeavor and last but not least, the police Captain Dan Patchin is to investigate a power failure at a utility pole with subsequent power failure to a lift station and we need to have some answers on that.

Larry Hatfield made motion to adjourn. Faith Portman 2nd. Motion carried 6-0. Meeting adjourned at 8:07 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk