

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 28, 2011**

Shepherdsville Police Officer and Pastor Mike Miller, Family Day Ministries gave the invocation Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:30 p.m.

In attendance were Council members Bernie Brown, Don Cundiff, Larry Hatfield, Corky Miller, Faith Portman and Alan Wetzel.

Faith Portman made motion to bring off the table dispensing with reading of minutes from 10/24/11 Regular Meeting. Don Cundiff 2nd. Motion carried 6-0. Don Cundiff made motion to dispense with reading of minutes from 10/24/11 Regular Meeting. Faith Portman 2nd. Motion carried 6-0. Faith Portman made motion to approve minutes from 10/24/11 Regular meeting. Larry Hatfield 2nd. Motion carried 6-0.

Larry Hatfield made motion to dispense with reading of minutes from 11/14/11 Regular Meeting. Corky Miller 2nd. Motion carried 6-0. Faith Portman made motion to approve minutes from 11/14/11 Regular Meeting. Don Cundiff 2nd. Motion carried 5-0-1 abstain (Larry Hatfield).

Mayor Ellis announced the *Light Up Shepherdsville* will be Friday, December 2nd at First Street Park, 6:00 p.m. following the Liberty Tax Parade. He stated the City would have a float in the parade this year.

City Attorney Joe Wantland had second reading of and public hearing on Ordinance 011-091 concerning amending zoning maps of Shepherdsville as recommended by the Bullitt County Joint Planning and Zoning Commission requested by Settlers Point Business Park, LLC to rezone 35.875 acres, more or less, from B-2 Central Business to IL Light Industrial. Tract 6-B and a portion of Tract 7 on Conestoga Parkway in the Settlers Point Business Park. Larry Hatfield made motion to approve. Faith Portman 2nd. Motion carried 6-0.

City Attorney Wantland had second reading of Ordinance 011-092 amending Ordinance 011-088 concerning the use of firearms for hunting wildlife, weapon handling training on property exceeding 10 acres in area within the corporate boundary of the City of Shepherdsville. Faith Portman made motion to approve. Bernie Brown 2nd. Motion carried 6-0.

Discussion followed on hiring HR Unlimited Resources to re-write the Policy and Procedure ordinance, write job descriptions, and look at wage and salaries. Corky Miller stated he looked at what we've done in the past and feels we can do this ourselves. He would just be opposed to spending any money at this time when the Council can make revisions and have City Attorney Wantland review. He does not agree spending up to \$10,000 on this. Faith Portman stated she agreed with Corky. Larry Hatfield stated he disagreed. The Committee has been working on it for two to four months and we still have nothing. Don Cundiff stated we have this ordinance and the Civil Service ordinance and there is much more to it than he ever anticipated. Alan Wetzel stated they had worked on it for months, it is very complicated and he feels we are in over our heads. He also stated the Committee had disagreed on several issues. Faith Portman stated she feels the Mayor and Department Heads can re-visit, present changes to the Council after the Attorney looks it over. Bernie Brown stated he thinks there comes a time when we need professional help. Larry Hatfield stated the City has changed. Don Cundiff stated he doesn't feel we've made a lot of progress after meeting several times. City Attorney Wantland stated he had the opportunity to work with the committee while working on this document. He suggested the Council meet and decide what direction we want to go with a new manual. He stated we do need job descriptions for everyone. Alan Wetzel stated he feels we have wasted enough time. Larry Hatfield and Bernie Brown stated we can work with the company. Mayor Ellis stated he would like to wait until the first meeting in January to make a decision. Larry Hatfield stated there are issues surrounding this City that needs solid direction. He stated the way we handle payroll is ridiculous. City

Attorney Wantland recommended taking two weeks to decide what direction to go with this policy. Mayor Ellis stated he thinks everybody should decide what direction to go should be discussed by the whole Council. Bernie Brown thinks we need to decide. City Attorney Wantland suggested having a special meeting on Monday, December 12th at 5:30 p.m. Tom Barr objected to having this meeting in executive session because it is not a true personnel issue. It was decided by all that they meeting would be open to the public.

Discussion followed on how to proceed with postal workers not paying occupational tax. City Attorney Wantland stated he had been working with Mrs. Rice on contacting those who have not paid and that some have actually come in and paid and caught up. He also stated there are a number that have not paid anything and have ignored all attempts to collect. City Attorney Wantland stated he would like the Council to initiate a time table for these taxes to be paid. Larry Hatfield made motion to proceed with collecting occupational tax from postal workers. Corky Miller 2nd. Motion carried 6-0.

Further discussion followed on putting financial information on the website. It was decided this will be done when Tim gets everything ready.

Report from Angi Johnston: I have several different topics I wanted to go over and give updates on. Bobby Powell was actually able to start a few days earlier than originally planned. He has already reviewed all six of the contract documents that we will be putting out to ad hopefully pretty soon. We're working on the mark-ups right now. He has also taken over the drainage inspections for me. He gets those done within a day or two of receiving them. There are still a few outstanding issues on the South Bullitt Regional Interceptor that we've had with a few property owners as well as Beech Grove Road. We've had some road failure on that and it's still under warranty so he's going to be dealing with MAC making sure that gets repaired. He's been really a great help and I look forward to really getting him busy once we get these contracts out, not just to bid, but awarded and moving. That being said, Salt River Interceptor, we are working on the contract documents getting those finalized. I'm hoping to have an ad date within the next week or two. I wasn't able to get one determined just yet today but I will definitely have an ad date hopefully before the next Council meeting. It's possible we may be requesting that we have a Special Meeting for the bid opening the week before Christmas. That's my goal right now. I believe with the mark-ups he's given us that we should be able to hit that. It all depends on the printers. That means that before the next EPA quarterly report which is due January 28th we should have not just bid opening but bid award and notice to proceed before that. As long as it all works out we have the bid opening before Christmas. Shawnee Acres, we have a few issues with trying to get the survey done. The benchmark over by Park Place pump station was buried under concrete so we had to work some things out with Brad to be able to establish a benchmark there. He submitted the survey to us today. I went out there with one of our young engineers to review the site so we'll be getting started on reestablishing that retention basin and making sure we've covered as many bases as we can. It's kind of a difficult situation, you usually don't retrofit a basin into an existing area like we've doing but we're going to do the best we can with what we've got. So we've got that started. Another item is the system development charge. When the City entered an agreement with Salt River Business Partners about the South Bullitt Regional Interceptor and the expansion to the treatment plant part of the Agreement was that the City would establish a system development charge to recoup the money that was spent by the City to make those improvements, both the treatment plant. The part of the treatment plant that was to treat for that expansion; not including Beam. Beam paid for their part of it already; and then for the interceptor itself. I've been working on that and at this point I have written up some recommendations which we do need to go over because there are so many directions you could go and I just want to get some direction from the Council to make sure that I'm going the direction you want. And as part of that in order to clear up a few things because all the properties that are impacted by the system development charge for the South Bullitt Regional Interceptor are also subject to the interceptor fee which was established, I believe, in 2008 in a sewer rate ordinance. In looking at that sewer rate ordinance I've organized it as such that it's clear what is for new development and what is for the trucker discharge permit that was wrapped up in the new development. There were just a few things that were just in a confusing place that I wanted to go over this with Mr.

Wantland but I also need to get some direction from the Council because there are a few different ways we can go with the system development charge. And before I go any further on it I would like to discuss that with you. Another thing I wanted to bring up is the EPA mandates with the MOM (Management Operation Maintenance) Programs. We are three months from implementation time. We haven't been able to CCTV a single foot a line nor do any rehab. I don't know how the City wants to proceed with how we're going to do that work. Another thing is, as you were talking about job descriptions. The current ordinances have job descriptions that don't exist any more and one of the first comments that the EPA had made to us over a year and a half ago was it's nice that we have ordinances but it doesn't cover all the things that they are concerned about. It doesn't place a specific responsibility on any particular position on how you're going to be able to maintain your sewer system and that's not just what the guys do out in the field or at the plant but how you maintain your budget and how you do enforcement when it comes to inspections. There are just so many other things that we are lacking in. Every update we've said we're still looking at the job descriptions as well as the organizational chart of the City, but we haven't really updated anything and I have a feeling that time is going to be running very short very soon. Larry Hatfield: I think the place to start would be Blue Lick. Angi Johnston: Yes, Chuck and I discussed this probably six months ago; Blue Lick as the first part of the CCTV and rehab but now we've got to get a plan in place. How is it going to be done? We only have 5 people in the Sewer Department. Larry Hatfield: In my opinion, and the Council needs to be thinking about this, we're going to have to bring in a professional and camera that line and start there because we've got an apartment complex of 190 some units that are going to be hitting this line. I would say start there and see what it's going to cost us. That would give us an average cost per foot to camera and whatever we've got to do to get it right. Angi Johnston: I spoke about this with Chuck and he had mentioned one company. I know another company that does CCTV, slip lining, rehab and all that. What we could do is send out a request for qualifications and actually have them to say per linear foot what they would do, how they would do it, what kind of time frame. Just to come up with an actual scope of work of what we want and select from there. That's very critical that we handle that. Some of the other things I've found is that 2 years ago I did a pump station evaluation report and what I keep discovering, and as Chuck comes into these meetings and tells us about these different problems; what they're finding out in the field are pump model numbers that are not in my report because I was told there were different pumps in some of those pump stations. We have some serious issues out there that need to be addressed. One of the biggest concerns I have is we only have 5 people trying to address all these things. EPA doesn't care about the money situation or anything like that. They want to know how you are going to fix it and that you keep the sanitary in the sanitary system not having it out on the ground or in peoples homes. I feel like I wouldn't be doing my job if I didn't bring this up to the Council. I have some very deep concerns about this and we only have 3 months to show that we've started making progress. The Salt River Interceptor, that's a big step. But we still have a ways to go. I know that the Council at one time did have Committees on drainage and sewer. If we could resurrect these Committees again because at this point I feel like I can write any procedures and give any advice that you need but I need to have a little bit more direction on what the City wants. And I can give you direction on what the regulators are expecting. City Attorney Wantland: Obviously we need to put in a motion that we authorize you to receive proposals for the inspection and you're looking at a linear foot basis for the inspection and correction of the Blue Lick Road line. Larry Hatfield: Salt Well Drive east. Angi Johnston: That would be a start. Larry Hatfield made motion. Bernie Brown 2nd. Larry Hatfield: Get at least two people to quote and then lets see where we're at. That will tell the Council what we're looking at down the road for the next budget per foot. We're going to have to figure how many feet of sewer line this City has and it's going to have to be documented. I think we'll be a whole lot better off in the EPA eyes to use a company. We don't have anybody qualified to do it. And go out there and fix that line. That will give us a cost per foot. At this time the vote was taken. Motion carried 6-0. City Attorney Wantland stated to Chuck and Angi that they want to inventory all the pumps and machinery in the lift stations to make sure of what is in those is what has been reported to the EPA. Chuck Keith: There are two that I know of that we don't have easements to. Larry Hatfield: We're going to have to know which ones we don't have easements to and we're going to have to get easements. Angi Johnston: I would like to ask the Council if anyone wants to resurrect the Sewer and Drainage Committees. I think it would be very beneficial because the City is going through so many different things. MS4 is another thing that is an EPA mandate. We haven't had the screws put on us yet but

that's another mandate we need to be addressing. It can't just be me. I need a team. City Attorney Wantland stated he would like to serve on a Committee. After some discussion it was decided that Faith Portman, Don Cundiff and Alan Wetzal would serve on the Drainage Committee and Larry Hatfield, Bernie Brown and Corky Miller would serve on the Sewer Committee.

City Attorney Wantland stated that the proposal from Dunaway Engineering is to provide engineering services to update sanitary sewer plans approved but because there were some issues with the line being placed incorrectly on the property additional work needs to be completed. Angi Johnston: There is an easement agreement between the City and Suburban Construction to build a sewer off 480. City Attorney Wantland: Do you recommend this is the most economical way to approach this? Angi Johnston: Yes. Dunaway did the original design of that sewer and this is all a matter of them renewing the permit and creating actual bid documents that the City will be able to bid out the project. City Attorney Wantland: This is the commitment the City made to Suburban. Larry Hatfield: The City made a commitment because we ran the sewer line in the wrong place. We made a commitment to serve that property. Originally we thought we could do it but we were going to bring it down in front of the State Garage where we could serve other areas; where it would benefit everybody instead of one property owner. That's probably cheaper but when we were looking at it in the beginning we were going to go down to the manhole below the State's, tap in to it and run it down along 61. If you think this is the easiest, quickest, cheapest way out then I say let's do that. Angi Johnston: It's definitely the quickest and cheapest way out. Trying to go back and do a redesign and place it along the State Right of Way will take a long time. And it will be costly. Larry Hatfield: At that time we didn't know what we know today. Larry Hatfield made motion to approve proposal for surveying and engineering services from Dunaway Engineering. Bernie Brown 2nd. Motion carried 6-0.

City Attorney Wantland addressed Brad Armstrong about the City's boundary. He stated that Judge Burris put the fire district case on December 22 at 9:00 a.m. Mr. Wantland stated he's going to have to focus and you're going to have to help me. Brad Armstrong: We're close but I got some information from the Secretary of State that may set that back a little bit. City Attorney Wantland: That's alright. We need to get on it. The Council understands we need to have that information. Brad Armstrong: Each individual ordinance has to be dealt with now I'm finding out from the Secretary of State's office. City Attorney Wantland: I'm going to borrow Chief Troutman between now and the 22nd to get the PVA records and what we have to get ready. I have to have the documents pretty well in place and ready to go by the 14th.

Angi Johnston addressed the Council: The contract before you is for staking of the manholes prior to bid the Salt River Interceptor. This is to assist the contractor in being able to see what the route of the lines will be to make it easier for them. Across the river, a little bit of realignment near pump station 1, it's essentially to finish up Line B, Line C and D to take off Eastview and Centerview and the river crossing, freshen up Brown and a little bit on Line F. Larry Hatfield made motion to accept Brad's proposal. Faith Portman 2nd. Motion carried 6-0.

City Attorney Wantland: For the record, I just want the minutes to show that I can utilize City resources for this fire district case. It would be primarily, at this point, Brad Armstrong and Layne Troutman. I see everybody nodding their heads. It's not every day the Judge give you a trial date in 23-24 days so we've got to get ready to go and hopefully get that thing resolved finally and completely.

City Attorney Wantland read the Interlocal Agreement between Bullitt County, KY and the City of Shepherdsville to carry out inspection and plan reviews in compliance with 815 KAR 7:120 KY Building Code and 815 KAR 7:125 KY Residential Code as granted by Expanded Jurisdiction Agreement with the Department of Housing, Buildings and Construction pursuant to KRS 198B.060 (5). Larry Hatfield: So basically Bullitt County is going to do the residential inspections? Bernie Brown: What cost will this be to the City? City Attorney Wantland: It's going to be on a fee system. The applicant will pay the fee to Fiscal Court and Fiscal Court will retain the fee and provide the services. The State does all commercial and

industrial type inspections and they collect the fees. Bernie Brown made motion to approve the Interlocal Agreement. Larry Hatfield 2nd. Motion carried 6-0.

Discussion followed on renewing lease extension for 170 Frank E. Simon Avenue. Faith Portman made motion to sign one year lease. Don Cundiff 2nd. Motion carried 6-0.

Tim McNally with Waste Management addressed the Council: One thing I want to bring up to you is that there's an on going thing about sustainability and Shepherdsville is getting to that point where sustainability will be a big part of your government on a move forward basis. Waste Management will be putting in a compressed natural gas filling station at our facility. We will be changing all of our trucks over in 3 years but our first 25 trucks will be arriving in Quarter One 2012. It's a \$7.5 million investment. The filling station is a \$1 million investment. What that means for you is if you decide in the future to get compressed natural gas vehicles that will be open to the public. If anyone, a resident for instance, anywhere in Shepherdsville or Louisville gets a compressed natural gas vehicle they will be allowed to use our filling station. The City of Louisville has now just put on hold selling a couple pieces of equipment in order to use that. We we're going to be bringing on more and more people. What that equates to is \$2.00 a gallon for compressed natural gas versus, in our business, fuel. In your type business it would be gas. So it will be \$1.00 savings to you as a gas vehicle, \$2.00 to us for a fuel vehicle. The sustainability part is going to be a big issue. I've left you all some booklets to look over. One of the things we want to bring up at this particular time is, we do know your bid is up, could be up next year. We are interested in the bid. We are going to ask you to possibly put that out for bid. We feel we could be completely more competitive now especially with the compressed natural gas. I cannot promise you that completely natural gas vehicles at this time will be her servicing your City but I'd kid of bet on it. Most all of it is going to be residential situations. So with you being this close it just makes to much sense not to have that happen. One of the things we do with our fleet is that we are not contents only. In other words if you have a cart, cans, a hot water heater, we're going to pick it all up. So just something to think about on the move forward basis. My phone number is right on the front of this. If you have any questions or you would like to meet with me, I'll be glad to call you and possibly meet with you and talk about these sorts of things. But there will be a time in the next 15 years where we will be paying to pick up garbage because we're going to turn that into fuel.

Mayor Ellis recognized Representative Linda Belcher who joined us tonight and also Magistrate John Bradshaw. He thanked them for attending and stated he appreciated both of them coming out tonight.

Mayor Ellis stated that before we pay bills he has had a request to bring up Gary Magruder and John Wooldridge. John Wooldridge: Actually I spoke with your City Attorney on a couple occasions. We also have Debra Shaw in the audience and we have Karen Sullivan who represents the Oma Lee Shaw estate. The purpose of us being here this evening is to ask the City to move forward with the annexation. I'm sure you remember the annexation that we're talking about. Just for the Council's purpose, I know previously you had tabled this with the understanding you were not going to move forward until the zoning was complete. My understanding is through your Counsel, Mr. Wantland that has been removed as an impediment. What I'm asking you to do on behalf of Zoneton Developers, the Oma Shaw estate and Debra Shaw is to, as quickly as possible, move forward with the annexation. We are all here. He will all agree to it. I will advise the Council that a new zoning application will be filed to be heard in January to ask that this property be rezoned. So when you move forward you need to understand that it is with express acknowledgement by us that we are going to be asking that the property be rezoned by the City of Shepherdsville. We do not have an end user; we're not going to tell you that we do. We're not going to discuss a zoning case but we do believe that this area is something that the City should look to. The City has considered it and you have enough money tied up in that end of the County that you need to have a return on your capital investment. If you have anything you want from us before your next meeting, you already have everything we believe in order as far as deed description signed by Mr. Armstrong. We previously gave you written approvals. If you need any of those things redone, please ask and we will have it up to you within 24 hours. City Attorney Wantland: As attorney for the landowners you're saying that the authority granted by the landowners is still in effect. John Wooldridge: It is and the landowners are all present. Mr. Magruder owns Zoneton Developers, Debra Shaw

owns her property and Oma Shaw estate, Karen Sullivan is the executrix. City Attorney Wantland: To be sure on this, a clear understanding for the Council that for any development on this property it will be literally, figuratively tied to the sewer system that has, as you referred to as the expensive, very valuable infrastructure that the City has invested in this portion of the County. John Wooldridge: It will be. Mayor Ellis stated he would like to put this on the Agenda for December 12. The first and second reading has already happened. Most of the public discussion has already happened. At this point in time, it's pull it off the table and vote. Faith Portman made motion to take off table and put on Agenda for vote on December 12th. Corky Miller 2nd. Motion carried 6-0.

After some discussion on paying City bills, Larry Hatfield made motion to pay bills with exception of ADP. Faith Portman 2nd. Motion carried 6-0.

After some discussion on paying Sewer bills, it was decided to table any motion until Tim could be present at the Special Meeting on Monday to explain the new spreadsheet layout. Faith Portman made motion to table approval to pay sewer bills until Monday's special meeting. Bernie Brown 2nd. Motion carried 5-1 not voting-0.

Mayor Ellis reported that neither Daryl Lee nor Duane Price was present but neither had anything to report at this time.

Sign in speakers:

Steve Larimore addressed the Council requesting that the City take over the street lights at The Greens at Heritage Hill (patio homes). The bill is approximately \$217.00 a month. He stated for some reason when all the other lights in Heritage Hill were taken over, these were not requested. Bernie Brown made motion to approve. Don Cundiff 2nd. Motion carried 5-0-1 abstention (Corky Miller). Mr. Larimore also inquired about uncollected tax bills and was informed that Connie was continuing to work on those; delinquent sewer bills and was informed that Louisville Water Company's latest report stated past due amount was \$9000; and asked about a report of revenue generated from sewer income on a month by month comparison and was informed that was being worked on also and when completed copies would be made available to anyone wanting one.

Lois Reading addressed the Council about a sewer at her home at 1260 Beech Grove Road. For those of you who do not know where we live, we live directly across from Dogwood Subdivision. For sometime now we've been fighting sewer back ups at the house. We have a finished basement and we fought that 3 times, cleaned up the mess before we called Chuck to take a look at it. The City employees came out and put a one way valve in at the main sewer line there. Now whenever we receive heavy rain, which we are tonight, the valve has closed up. We're not getting the sewage now from the Dogwood home area but now our sewers are backed up. So we've got the clean out valve in the back of the yard whenever it rains, all this sewage is doing nothing but coming to the top of the ground. It's very unsanitary. We had a licensed plumber come out tonight and take a look at it. We asked him what's going on. Is this on us or is there a problem with our sewer lines. He went out front and checked all the caps, they're completely full. Larry Hatfield: All the manholes. Lois Reading: Yes, they're completely full out there. It's backing up in our finished basement and it's just an unsanitary mess there. Your City employees have been very helpful to us trying to correct this problem but this one way valve is not doing the trick. Larry Hatfield asked Chuck if we could divert that line in to another manhole and bring it up. Chuck Keith answered no. Larry Hatfield asked Chuck if we can take it directly into the manhole to get it higher to the pumping station. Chuck Keith: The problem is I&I. The pumping station cannot handle what's coming in. We can put some bigger pumps in. That is three phase. Right now number one pump pumps 177 gallons a minute and number two pump pumps 211 gallons a minute. We would have to test to see how much bigger pump we could put in to up the gallons. Larry Hatfield: I don't think that's going to work. Chuck Keith: It will relieve some of it but I couldn't tell you it would fix the problem. Before we took that over we cameraed it, the whole subdivision, there were several leaks in the video that were reported to the Superintendent and Mayor at that time. They didn't make them fix it. Larry

Hatfield: Okay. Get with Angi this week and run some numbers to see if putting in larger pumps will help. I'm thinking you're going to have to fix the problem which is I&I. Jim Reading explained the problem also and stated they could go back to their septic system. He stated they are stopped up right now. Faith Portman asked Mr. Reading if that is what he preferred to do. Mr. Reading answered if we can't get it fixed he would have too. Lois Reading stated we would rather get it fixed. Larry Hatfield: Let's see if we can go with larger pumps and see if that will eliminate the problem. If it doesn't we'll have to go with something else, my opinion. Don Cundiff: I think we should at least get Angi to look at it. City Attorney Wantland: Until we come up with a solution, and I don't know how long this water will be with us, would there be an objection to allow them to use the septic system? At least that way the waste is not above the ground. It's a temporary fix. Faith Portman: Let them use it. Bernie Brown: If that's what it takes. City Attorney Wantland asked Lois what she thought. Lois Reading answered she would rather get the problem fixed. I mean this just recently started within the last year, having problems with it. So I don't know if the pumps are not large enough there. It was decided Chuck would meet with Angi tomorrow and Mr. and Mrs. Reading were also welcome to meet.

Chuck Keith: Going back to Blue Lick Road; there are only 2 companies that we know of that does it all, camera, clean, repair, slip line. I have talked to one of those companies and I got the number of the other from Angi today. The one company I did talk to said they would be more than glad to come to a Council meeting and talk to you. Would you want to do that? Faith Portman stated we would like to both of them if we can. Mayor Ellis and Larry Hatfield stated to just give us a price.

Corky Miller asked Tom Barr if he would put in the paper that starting next Monday the gym would be open for walkers from 6:00 a.m. to 9:00 p.m. He asked Layne if he had a man to help with this. Mr. Miller stated he had \$2500 that will more than supplement any cost that we use back there and I think I have \$5000 more coming. He stated this will be used some way to benefit children and different things we do to service this community and Layne has someone who will make signs of the sponsors to hang in the gym.

Larry Hatfield made motion to adjourn. Faith Portman 2nd. Motion carried 6-0. Meeting adjourned at 8:33 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk