

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, DECEMBER 12, 2011**

Pastor Randy Pace, Family Worship Center gave the invocation
Pledge of Allegiance was recited

Mayor Ellis called the meeting to order at 6:30 p.m. and welcomed everyone to the meeting and thanked them for attending.

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

Faith Portman made motion to dispense with reading of minutes from 11/28/11 Regular Meeting. Don Cundiff 2nd. Motion carried 6-0. Faith Portman made motion to approve minutes from 11/28/11 Regular meeting. Corky Miller 2nd. Motion carried 6-0.

Bernie Brown made motion to dispense with reading of minutes from 12/5/11 Special Meeting. Alan Wetzel 2nd. Motion carried 6-0. Don Cundiff made motion to approve minutes from 12/5/11 Special Meeting. Alan Wetzel 2nd. Motion carried 6-0.

Mayor Ellis announced there would be no meeting on December 26th due to the Christmas Holiday and that City Hall will be closed on December 22nd for a furlough day, 23rd, 26th, 30th and January 2nd for the Christmas Holiday. He then stated Corky Miller had an announcement. Corky Miller: This is quite a privilege for me to make this announcement. When I first came on here a few months ago I started thinking about what we could do for the residents of the City of Shepherdsville. Something that we do for them that's not involved in collecting taxes and raising different issues; so I got to thinking about some things that we can do. I went and met about a month and a half ago with J Rice of Flynn Construction and he and I talked and they were interested in doing what I wanted to do too. So we talked and talked and Friday they brought me a very handsome check for \$100,000 for us to use in this City to do things like, and you will read more about these in the paper. I'm going to form a Committee of people other than what's on the Council or our staff and we want to help the children and the senior citizens of this City, where they don't have to pay a thing. I want the police to go in and tell them the things that they have got to watch. Numerous times this year people in Bullitt County have been scammed by paying people money and they're not getting their work done. That's happening all over the Country today. Also I want to do health seminar for them and these will both be lunches. We want to do the same thing with the fire department; to go in and tell them right now simply that senior citizens and a lot of people who have many fires, space heaters, very dangerous; gas leak, don't stay in that house, get out of it. And make senior citizens aware of these types of things to do. Other things we want to do the same thing with the children in our City. Make them aware of fire safety. Make them aware of not getting in a car with any stranger at any time. I want to install a website where any resident in Shepherdsville can go to that website and see exactly how much money was brought in that month and how much money was spent. The money that was given to me I figure will last three years. One of the things we are going to do for the kids; another thing for high school students is our DARE Car. We've fixing it up. We want this to be a discouraging thing to kids so they won't get involved in drugs and violence. There are other issues. A lady was telling me she knows of a person who needs a ramp built at their house. We can buy that wood if we can find some carpenter to put that ramp up. We're going to work hard at this and the big thing we're not using one penny of taxpayers money. This was money that was donated. Another thing I spoke to the police about I would like every subdivision in the City to have a neighborhood block watch. There have been numerous break ins in the City in the last few months and those are a deterrent to break ins. There are a lot of things I want to do. If you have ideas you can contact me and I'll be glad to listen to them. This is something for the citizens that we can help them. We're going to keep that money just for that purpose and I think everyone in the City will indirectly benefit from that money and it will be a good outreach to our community.

Mayor Ellis asked for a motion to bring the discussion of the proposed annexation of 165.19 acres off the table. Faith Portman made motion. Larry Hatfield 2nd. Motion carried 5 for; 1 against (Bernie Brown). City Attorney Wantland had third reading Ordinance 011-(number to be assigned) confirming annexation of unincorporated territory of 165.19 acres by written consent of all property owners. Mayor Ellis stated the Council and he had discussed allowing three folks in favor of and three in opposition of the annexation speak for 2-3 minutes. There will be a stopwatch to monitor time. He asked Mr. Simpson if he had three people he would specifically like to call to speak. Mr. Simpson: I think I have three people that would probably, if you're just going to limit it to three, I would like the Pastor to speak and I have two people that would assign me their 3 minutes if the Chair permits. There was no objection. A member of the audience spoke out saying you have heard from the Church and you have heard from the lawyers and I would also like for you to allow one resident in the area to speak. Mayor Ellis asked her name and put her down to speak. He asked Mr. Wooldridge if he had anyone he would like to speak. Mr. Wooldridge replied they had the property owners present and if the Council wishes to hear from them they will speak, if not I'll just give a short statement of their intentions. Mayor Ellis called Bruce Simpson to speak. Mr. Simpson stated he represented the Church and that there were a number of people here he did not represent as Sherry Dover indicated. I don't have any right to take up their time so I represent the Church only and to just be fair there are other people from other areas in this area where this is proposed. City Attorney Wantland addressed Mr. Simpson saying the Chair had expressed itself. There are a lot of people for and against. This is the third time this has come up so there's 9 minutes. Bruce Simpson: As I asked last time we're not the one proposing annexation. I think it's fit and proper and it's fairly typical for the parties that want something to come before the body first so that those that have concerns about it can listen and learn and be able to respond cogently. I would simply ask that the applicants go first and we be afforded the privilege of understanding what their request is. Why they are making it and then we can respond. And I would ask the Mayor and Council to indulge me in that request. I think it's fair. Mayor Ellis called John Wooldridge to address the Council. John Wooldridge: If I may Council members, Mayor Ellis, we've been here before and we have been pretty blunt and straightforward. We've asked the City to annex this property. I'm not here tonight to talk to you about any zoning. I'm not here to talk to you about anything that's going on with this property. I am simply here to ask on behalf of the Oma Shaw estate who owns approximately 85-86 acres and Karen Sullivan is present, she is the executrix and she had a duty to make that property in the best interest of the heirs. I have Debra Shaw here who owns a house on the property that asked to be annexed and I represent Zoneton Developers which is a corporation which began here in Bullitt County years ago. The Magruder family and it's been a good corporate citizen for many many years. Raymond Magruder is the founder of that particular family and most of the people know Mr. Magruder. Basically they own property that is in an unincorporated part of the City. It is out in the area next to 245, the City knows where the property is. I'm sure you've looked at it. And it was the subject of a previous zoning request. As I stand here today there is no zoning application filed at this time asking that this property be rezoned. I'm not telling you there is not going to be one filed but as we are here tonight we are coming here strictly as property owners. We are asking that the City annex this property. The reason that we're asking it to be annexed is that we believe that there will be development potential in this area. If we didn't we wouldn't be here. The City has expended many dollars of the taxpayer's money to run sewer lines well outside the City boundaries to serve a corporate citizen which is a distillery. It will be totally illogical for the City not to use those same dollars and those same infrastructures that were placed to use and serve other citizens whether they are citizens of Bullitt County, citizens of Shepherdsville or citizens of another City. We have major improvements in this area in water and infrastructure. We are in an area that is going to grow because the growth is moving toward the South. My clients simply wish to be part of that growth. To do so we obviously need to have City services of which would be sewers, number one. City water, number two. We would like to be served by a City police department that can come and take care of the issues and we would like to have the City of Shepherdsville who has a fire department be involved. We are fully aware that when we do this we will be extending our boundaries. We will be extending your territory but we believe that as this property develops, and we know that it will develop, maybe not this year, maybe not next year, but this is something that will be a positive benefit to the City of Shepherdsville. That's simply our statement tonight. We'll be glad to answer any questions that the Council has but I'm not here to discuss zoning. I'm not here to discuss what happened in the past. I'm here simply to have the annexation

process completed. Joe Wantland: Mr. Wooldridge I've asked these questions before but there is a different crowd. Your client's understand that once they start development the City does expect them to utilize the sewer line that has been extended in this area? John Wooldridge: That is an absolute certainty. Joe Wantland: And your client's understand that they will be I think their assessment is an agricultural assessment at this time which is quite low, that more like than not, that will be lost. John Wooldridge: It will be lost if an when the property is rezoned. Your annexation is not going to change our tax structure. It's not going to make the City a prosperous growth, right now we only have one citizen who lives on the property so we're not putting a drain on any of the City facilities. Joe Wantland: The result being as this property is developed the taxpayer inside the City, the real property taxes that they pay the citizens as this property is developed as anticipated they'll actually go down. John Wooldridge: Yes sir. Bernie Brown: You know how rumors go. I have heard that, and since the Magruder's are here I think this can be put to rest in a hurry. There are some people that have said that they understand that Mr. Magruder had been given some time in the past a free tapping to hook on to the sewers. John Wooldridge: No sir. Bernie Brown: That has not been done; that is not the case? John Wooldridge: The property that Magruder has has not had any lines run to it nor has there been anything promised to him whatsoever. Bruce Simpson: That you Mayor and members of the Council. It's a pleasure and privilege to be here again. I understand I have six minutes. Of course we were here once before and the matter was tabled because the applicant's didn't attend. They are here tonight and explained that they want to be annexed into the City of Shepherdsville. Of course the purpose of annexation is to develop their property. Right now it's vacant land, agricultural land and is the Church. They have one citizen according to Mr. Wooldridge that actually lives on this 165 acres that they are seeking to develop. One citizen. I have 1250 people, maybe 2500 in this area that have indicated through various correspondence and petitions concern about this development request. Annexation of course is the first step to get the property developed. The next step is zoning. And while we're not here to talk about the zone change we are all realists and we all understand what is in motion because the last time I was here shortly before it, this same case went up to the Fiscal Court until it was pulled before they decided to vote. They withdrew it; the applicants did, three hours before they voted on the zoning. So they want to come to the City now where one of the applicants lives on the property. All these people behind me live next to it or close to it. There are a couple ways you can do annexation. As you know you can get the consent of the property owners and they're all here. They will benefit exclusively. Their property values are low now because it's agricultural land. If they get their zone changed down the road that's going to go up a lot. That's a good thing. They'll make a lot more money. They benefit exclusively. But the people who live around it from this annexation in terms of the development that's not what they bargained for and more importantly in terms of the only document that exists and has existed in this community for more than 15 years, is your comprehensive plan. That's the plan that citizens look at, churches look at, developers look at if they want to come into your community, where do we go to develop. What's it going to be in terms of future land growth? This property is not recommended for anything other than very low density residential development. The truth of the matter is if we're all brutally frank and candid, is that the property is going to be sought for an industrial development. In Bullitt County as we stand here tonight there is over 700 acres of vacant land in Bullitt County. Some of it is in the City of Shepherdsville already and much of it is a lot closer to the existing City boundaries of Shepherdsville than this property which is two miles down the road. This annexation is going to annex 2 miles of 61 skip over all the rest of the property between the existing City boundaries and this 165 acres. It's going to have County services and this one little spot you're going to have City police, fire, ambulance, sewer and the like. So typically Cities want to grow compact and contiguous. It makes more sense. It's easier to manage. The citizens are better served. It's generally cheaper. So from the standpoint of development I would ask you this. If your intent to annex this property, if you want to annex it, I would suggest you do it an alternative way. And what I would suggest is this. Rather than annex this property that you make a motion to intend to annex subject to the zone change being approved. And you all ultimately will approve it. And that way when this case comes back to you you will be in a position to be fully informed about all of the issues associated with the development of this property. Not just the request of people who have consented to be annexed into the City. Why would you not want to get all of the information through a public hearing at the Planning Commission? Understand all of the facets of storm water, traffic, incompatibility, air, light and noise pollution. All of those issues. And then when you decide to annex you can decide to annex and rezone at the

same time. That's a rational way of going about the procedures and we ask that you do that tonight. I suggest respectfully if you vote to annex tonight you're voting without the information. You're voting in the dark. You're voting uninformed and you're not serving the best interests of the people who will be ultimately impacted whose voices won't be heard because you've already annexed the property and the zone change is secondary at that point. Sherry Dover: Thank you all very much for your time. I have wrote stuff and it just seems like now it's just really hard to read off because of the way that all of the residents feel in the community. When this was first brought to the table we were told that we were going to be looking at a two million square foot industrial building site. Everybody in the community that this was going to affect we all panicked. I mean this was just shock because none of us expected this to happen. Development yes, we've been told that it's going to come to the community and that's wonderful. We're not against jobs. But this area out here is not the site for an industrial building. For one we're in the middle of a flood plain. The property, I brought pictures that I hope each of you have had the opportunity to look at. This is a week out after the rains we had last week and the property is still holding water. It looks like a pond out there. Every time it rains and we get torrential downpours this is what happens to our area out here. Pumpkin Road floods. If it's not on the end closest to Beech Grove where the Church is, it floods in the middle. This leaves residents trapped and they have nowhere to go. What we're asking is that you make a conscious decision on how this is going to affect the residents in the area because not only are we going to be dealing with the fear of flooding every time it rains, we're also going to have to deal with traffic. If jobs do come into the area and they build these huge industrial plants we're going to also have to deal with the noise, we're going to have to deal with the people driving up and down our roads looking for something to steal because they're bored during their lunch hours. These are the fears that we have. And honestly the way that I look at this, is there is no difference and you can laugh if you want to, but there is no difference than me wanting to bring a pig farm in the middle of Shepherdsville where it doesn't fit and saying you all live with it because that's how we feel this is being imposed on us. You know we moved all of us in that area moved or thought that we had moved far enough to where we wouldn't have to be imposed into the City again because none of us wanted that. We wanted our rural farm, quiet lives. And we honestly feel like this is just being pushed down our throats and it's not fair to us. There are so many other things that can be developed with what property besides an industrial area. And we just want each of you to take into consideration how we feel and how this is going to affect us because this is going to be in our face 24 hours a day, 7 days a week. You know we're not going to be able to get away from it. We're going to be fighting the traffic every day if this comes into our area. So we really appreciate your time and please in your decision making take into consideration how this is going to affect the residents because it's different on how it's going to affect the Church. The landowners aren't going to have to deal with it. We're going to be the ones that are going to have to deal with it every day. So we appreciate your time and I just really hope that this time around ... you know Bullitt County has a really bad reputation of when it comes to planning and zoning, you all zone but there's no planning to it. That's the reputation that Bullitt County has. There's no planning. That's just like 480. That area out there is an absolute disaster area. Mark Harrison: I do implore you in the spirit of Christ that as our attorney has said you're about to make a decision about something that you don't have all the facts. That you don't have all the answers about what has been found and all the information has not been given to you. All you have is a request with the hope of a promise of jobs. I've been told that the annexation has nothing to do with the zoning. Well if that were the case then why did the City then vote to hire Strand Engineering Company to look over the perspective plans of Red Rock's water retention basin? Why did you vote to do that? If it were not the same, if it were not unrelated, then I would ask why is the same grouping of property still grouped together. The intent is still the same. The threat of flooding is just as great as it was the day in which this was first presented. And I implore you, get the information first. Let it go to the zoning board. Let them make a decision about it. They've already made their intent public. It was published in the Pioneer News, they said they weren't coming here tonight to talk about zoning or anything like that, well it's already been published in the Pioneer News that the first meeting in January they plan to bring it to the zoning board. Let the zoning board make a ruling upon it. Let them make a decision about it. Let the argument be presented then where it should be presented. Not before you. We shouldn't have to come here tonight and plead with you and beg with you to receive the information that ought to come to the zoning board first. And that they make a decision about it. Let us make our argument to them. You make your argument about the annexation

then you make your decision about it at that particular time according to their decision. That is logical. That is good business. And I beg you don't make a decision without the answers. Get the answers first. Get the information first then make your decision about the problems that we found when our engineer investigated about that piece of property. You're looking at over 35 acres of that being in a flood zone as well as the Church's property. And .22 of that land is a wetlands. Get the information first. Flooding is real. Brother Larry knows that. Just last week when we had all that rain, there was two roads of which that were in danger and there had to be signs put up; high water and wouldn't allow traffic to go through. He knows that for a fact. And so I implore you don't make this decision tonight. Don't vote for annexation tonight. Let the zoning board do their job then come back for the annexation. Then come back for the decision of the annexation, that's what we ask. We ask for fairness. We ask for impartiality of this Council to allow the zoning board to do its job. And then let it be brought to you all as a Council to make your decision then as to what will be done. Mayor Ellis asked the Council for any discussion or questions. There being none he called for a motion to accept or reject the annexation request. Faith Portman made motion to accept. Corky Miller 2nd. Motion carried 6-0 for annexation into the City of Shepherdsville.

City Attorney Wantland read Resolution 011-026 authorizing the Mayor to open an account at PBI Bank named The City of Shepherdsville Community Activity Account to be funded solely through donations. Faith Portman made motion to approve. Corky Miller 2nd. Motion carried 6-0.

City Attorney Wantland read Resolution 011-027 authorizing the Mayor to open an account at PBI Bank named Shepherdsville Fire Department Mitigation Account. Faith Portman made motion to approve. Corky Miller 2nd. Motion carried 5 for; 1 opposed (Larry Hatfield).

Larry Hatfield made motion to pay City bills. Faith Portman 2nd. Motion carried 6-0.

Faith Portman made motion to pay Sewer bills. Larry Hatfield 2nd. Motion carried 6-0.

City Attorney Wantland: Members of the Council I've ask the Mayor's permission we do have a litigation expense with Brad Armstrong Land Surveying Inc. He's been working very diligently with Layne Troutman for preparation of a December 22nd court date. I have a statement, and he's asked me to present this to Council. His bill for the work he's done up to now is \$4000 and I'd like to get that paid. Call if litigation expense. If it goes to trial he will have to testify. It will be a City expense. Larry Hatfield made motion to pay the bill. Bernie Brown 2nd. Motion carried 6-0.

Daryl Lee: JBJ Associates LLC has filed a zoning application at 1925 S. Preston Highway to rezone 2.3 acres, more or less, from Agriculture to IG Heavy Industrial. It did receive a favorable recommendation.

Duane Price called and had nothing new to report at this time.

Chief Puckett: I've had numerous calls from people about medication that they have in their medicine cabinets that they can't get rid of. At the DARE graduation we had several people talking about kids getting in to their medicine cabinets and taking medication. I just want to let the citizens know that we have a drug disposal box now that anybody in the City or County can come in to the Shepherdsville Government Center and deposit it into – it looks like a mail box – they drop it in there. There are no problems at all. So I just wanted to get that out to everybody. It was just installed last week.

Chief Troutman: I know tonight they voted on the mitigation account however I'm approaching the City tonight; we received State Aid money, it's \$8250; we should be receiving \$5200-\$5500 from the Louisville Water Company from the hydrants. I want to purchase some fire equipment for firefighters. The protective equipment. I'd like to purchase 10 sets. That leaves us short about \$3490 on the turn out coats. I would ask the City if they could float that much of it to buy two sets of it. We would buy 8 and the City would buy 2

and then we would take care of the helmets and the gloves out of the mitigation account also. I just need your approval to do that. Faith Portman stated we need to take care of our firefighters. Mayor Ellis stated he wouldn't have a problem with it. He didn't know what any of the other Council members think. But this personal protective gear if it reached temperatures of 1800 degrees it starts to lose its protection layering and it starts putting firefighter's lives in danger. Faith Portman stated it was several years old too. Chief Troutman stated we have gear that's over 10 years old. Larry Hatfield asked how much money? Chief Troutman replied just from the City it would be \$3490. The rest comes from the State Aid and from where we did the hydrants and then also from the mitigation account, what we've got in it so far. Larry Hatfield made motion to approve Chief Troutman's request. Faith Portman 2nd. Motion carried 6-0.

Claude Middleton: There was an issue about a ditch on Stevens Drive backing up on people's property. I ditched over there and there was an issue brought up that the tile on Kevin Mooney's back driveway that's in the flood area. There are two 30" tiles. There is no problem there. What it's doing is going through the tiles and it's hitting the wall on his property.

Chuck Keith: Our application for permit renewal at the sewer plant was rejected. And going over the new application, one of the things we have to have is pre-treatment has to be in place before we can apply for a new application. Going over the paperwork short of being a lawyer and an engineer, I talked to a lady that worked at London that all she did was pre-treatment and I asked her what she would charge to do it. It would take 3-4 weeks to do it. She would do it two ways. We give it to her, she comes back to us with approved paper from the State for \$5000; or she will help us do it for \$60/hour. Either way; if you would look at the application, it's above me. Larry Hatfield stated we had a pretreatment program at one time. Chuck stated the way it is now, I don't know how it was then, but there is a lot to it. A whole lot. What she'll have to do is come here; get a list from the City of all the companies in the City. She'll go to every company and see who has to be put on pretreatment. Larry Hatfield stated at that time we only had Publishers and Interlake. Chuck stated this lady taught classes on it for a while. She taught schooling on doing pretreatment programs. We're going to have to do that before we can reapply for our permit at the sewer plant. Larry Hatfield asked the Council if they care if we called her. I'd like to ask her some questions. Chuck stated that would be fine. She's willing to come talk to you all one night. Mayor Ellis instructed Chuck to call her and see if she would come to one of the meetings in January. This has got to happen. Chuck stated our permit has been expired for 3 years. The Division of Water because of our updating has let us slide but once it's done the plant is complete, they are going to say we want it. Faith Portman stated we need to have her come in the first meeting in January. Corky Miller stated if Larry and Chuck are going to talk to her and ask questions of her and if Larry and Chuck agree I would be in agreement with them going on and hiring the lady to do what you said for the \$5000. That way you're going to get a guarantee. Chuck stated she would bring you the papers State approved. Larry Hatfield stated let's you and I chat with her and the Mayor and then we'll get back with the Council.

Faith Portman: I just want to thank all the employees for everything they've done throughout the year. Light Up Shepherdsville was great. They did a great job; police department, fire department. Just thanks for everything you do. And to the citizens who come to the meeting and care about what's going on. Thank you. Merry Christmas.

Corky Miller: I would just like to remind any citizens of the City of Shepherdsville if you would like to help by being on a committee, to promote and to organize some of these events that I was talking about for community benefits, please talk to me. We can get some things lined up and I think we can get rolling pretty quickly. (Faith Portman told Corky she would like to help with that.)

Don Cundiff: Are we going to discuss health insurance? Mayor Ellis stated yes. Don Cundiff: Are we still having trouble with losing the metal grates and things like that. Have we done anything? I know there were a lot that were missing. Mayor Ellis: There are a lot that are missing and right now we've been putting some kind of a wood one in there for now until we can get some new ones ordered. Don Cundiff: Are we still

having as much problem with people stealing? Mayor Ellis asked Claude Middleton if he noticed any more of them disappearing. Claude stated not that he knew of. Mayor Ellis stated we haven't gotten any calls on any of them disappearing. Corky Miller: the one thing that you're going to run into this winter; if your plowing the roads, they stick up higher than the road level and those wooden grades are going to be torn up.

Don Cundiff made motion to adjourn to executive session to discuss pending litigation and personnel. Alan Wetzel 2nd. Motion carried 6-0.

Larry Hatfield made motion to return to regular session. Faith Portman 2nd. Motion carried 6-0.

City Attorney Wantland: Members of Council at this time I have addressed you in closed session. I would ask the Council at this time to either reject or accept a proposal with the Southeast Bullitt Fire Protection District and the City of Shepherdsville for a tentative of that litigation where each party would walk away from this lawsuit dismissing it and that the City of Shepherdsville as of January 1, 2012 shall assume sole responsibility for fire protection within the territory described in the proposed boundary. Corky Miller made motion to accept. Don Cundiff 2nd. Motion carried 6-0. City Attorney Wantland continued: with the Nichols Fire Protection District and the City of Shepherdsville we have discussed that mater in closed session. It is different with Nichols Fire Protection District. It does have debt. The City is removing property from the tax rolls. As mentioned to the Council and discussed depending on when the Court would determine when property has been removed from the Nichols Fire Protection District it would impose liability on the City. I believe it's an extreme range because of the fire districts low assessments in view of its debt. It would be as much as \$100,000 it could be as little as \$5000-\$10000. But the recommendation to the Council is the City pay the sum of \$40,000 to Nichols ten days after the execution of the agreement and the order dismissing settled and \$15,000 before July 1, 2012. I would recommend that to the Council and the idea that it would resolve this litigation and eventually relieve this burden on the taxpayers. Larry Hatfield made motion to accept. Bernie Brown 2nd. Motion carried 6-0.

Mayor Ellis stated that after further discussion on the health insurance we are going to be accepting the plan through Anthem and it will be currently right now 10% for City employees and that is what it will continue to be. Alan Wetzel made motion to approve. Bernie Brown 2nd. Motion carried 6-0.

Larry Hatfield made motion to adjourn. Faith Portman 2nd. Motion carried 6-0. Meeting adjourned at 8:54 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk