

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, June 25, 2012**

Councilman Corky Miller gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:30 p.m. and welcomed everyone.

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

Don Cundiff made a motion to dispense with the reading of the minutes from the 6/11/2012 Regular Meeting. Larry Hatfield 2nd. Motion carried 5-0-1 absent. Don Cundiff made a motion to approve minutes as written from the 06/11/2012 Regular Meeting. Corky Miller 2nd. Motion carried 5-0-1 absent.

Bernie Brown made a motion to dispense with the reading of the minutes from 6/20/2012 Budget Workshop Special Meeting. Don Cundiff 2nd. Motion carried 5-0-1 absent. Rob Flaherty made a motion to approve the minutes as written from the 6/20/2012 Budget Workshop Special Meeting. Corky Miller 2nd. Motion carried 5-0-1 absent.

Old Business:

Further discussion on surplus items 2008 GMC 7500 Single Axle Dump Truck and 2007 Townmaster T40 Tandem Utility Trailer. Scott Fleming addressed the council about the problems with the 2008 dump truck they were considering for surplus. Larry Hatfield asked whether we needed the dump truck. Mr. Fleming recommended a mechanic go through it then make a decision as to what the City does with it.

Larry Hatfield made the motion to hold off on surplus the dump truck until a mechanic had a chance to look at it. Bernie Brown 2nd. Motion carried 5-0-1 absent. Larry Hatfield made a motion to surplus the trailer. Corky Miller 2nd. Motion carried 5-0-1 absent.

The Mayor opened the Public Hearing concerning the LGEA and Municipal Aid Funds to be used to maintain and repair roads, sidewalks and drainage in the City. No one in the audience chose to speak. Joe Wantland asked if anyone would like to make any statements to the Council. Again, there was no response.

The Mayor stated he and Claude Middleton had an upcoming meeting with Mago to look at some of the roads that needed to be blacktopped this year.

City Attorney Wantland then performed the second reading of Ordinance 012-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, annual budget for Fiscal Year July 1, 2012 through June 30, 2013 by estimating revenues and resources and appropriating funds for the operation of City Government.

Mr. Smothers who lives on Seneca Court, addressed the Mayor and Council about the unallocated funds. He asked if there was going to be a line item for these funds on a different sheet of paper. The Mayor stated that it was an emergency reserve fund. Mr. Smothers stated he felt there should be a line item set aside for the unallocated money.

There were no other speakers from the crowd. The Mayor asked if any of the Council had further discussion on the budget. Don Cundiff said he had concerns if this money could be used without the full Council approval and asked where these funds would show up so we know we aren't spending these funds. The

Mayor then asked Leanne how she had it set up. Leanne stated she didn't have it set up yet, that she was waiting for the Council to decide how they want to do that. Bernie Brown asked if it should be a line item with a code like the other line items. City Clerk Tammy Richmond stated they could do that. Rob Flaherty stated there was a separate line item in there for the City Emergency Reserve Fund. He also stated that it just wasn't coded at the present time. Leanne stated she would have a line for everything. Mr. Flaherty stated that it was his understanding that if that money was designated in that line item it can't be transferred or used otherwise without a vote of the Council. Larry Hatfield asked what line item Leanne was putting it under. Rob Flaherty stated she hadn't assigned a number to it yet, that when she entered it into the system she would assign a number but that it is already listed separately in the budget. He stated also that the City doesn't currently have that line item so it has to be created then a number could be assigned. Don Cundiff asked what the procedures would be in the coming years as far as getting reports showing exactly where we are in each line item of the budget. City Clerk Tammy Richmond stated they would get a report the last meeting of each month. Bernie Brown asked if there was anything in this budget that addresses drainage issues due to some of the serious drainage issues in Shepherdsville. The Mayor stated they could allocate any part of the \$521,000.00 for drainage if he wanted to. Bernie Brown stated that he guessed that \$500,000.00 is going to be used for a lot of things. Mr. Brown then stated that he feels it should be coded and have a line item like everything else. The Mayor stated that after it's done it will have a budgeted line item and a number. Mr. Brown then stated that he didn't feel the \$500,000.00 would begin to take care of all the drainage issues that the City is faced with. The Mayor stated that it would definitely help start. Don Cundiff stated they needed to get a list of projects that need to be done and prioritize them and do them as we can. He stated we have waited until they have gotten too far out of hand and had to be fixed, that maybe we could get ahead of the game a little. The Mayor the said City Engineer had a list and Shawnee Acres due to the reoccurring issues is high on the list. He also stated there were several others. Mrs. Richmond stated that a Committee had been formed to address those issues as well. Rob Flaherty stated that when the job estimates are in front of them they can move forward by determining what revenue and resources we have as the money becomes available to start on these projects and make a dent in them this coming year. Don Cundiff stated that some work had already been done over in Shawnee Acres. The Mayor agreed and said there was still a lot more to be finished over there. Corky Miller stated that he felt that they could always amend the budget as they go now that they would see where they money is going and from which line item.

Rob Flaherty said we can't predict things that may come up, but they can be addressed and they can better determine where money may need to be transferred from if the projections were low. Don Cundiff asked if the budget included the Clerk position in the Police Department. He was told it was. He felt the position needed to pay for itself or the City didn't need it. He felt it should, but he would like the Mayor and the Council to see that it does. Corky Miller asked if the Police Department started a tow lot if the Clerk would keep up with that. Several yes's were heard. Larry Hatfield asked if money had been allocated to start up the lot, what insurance would cost, etc. Chief Puckett addressed Mr. Hatfield's questions. Bernie Brown asked what impact this would have on the other towing companies in town. The Mayor said local companies would still tow the cars they would just be stored in the City lot. Mr. Cundiff asked if once that was up and running if they could get an accounting report on that every month. The Mayor told him absolutely. He stated there would be a report for all the other income they have passed in Ordinances such as cost recovery, parking etc. Mr. Cundiff stated that he just felt that the public had the right to know that this would pay for itself.

Rob Flaherty made a motion to approve the City of Shepherdsville, Bullitt County, Kentucky, annual budget for Fiscal Year July 1, 2012 through June 30, 2013 as presented. Corky Miller 2nd. Motion carried 3-2-1 absent.

The Mayor opened the floor for public hearing and comments on Ordinance 012-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, Sewer Operations and Maintenance budget for Fiscal Year July 1, 2012 through June 30, 2013.

Attorney Joe Wantland asked if anyone was present to address the Council about the proposed sewer budget. No one chose to comment. Mr. Wantland then proceeded to perform the second reading of Ordinance 012-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, Sewer Operations and Maintenance budget for Fiscal Year July 1, 2012 through June 30, 2013.

The Mayor opened the floor to the Council for comments. Don Cundiff asked if they had account for all the bond payments they have. Leanne and Tammy said that they had. Rob Flaherty stated that they had \$106,000.00 listed in reserve but that there was also \$95,000.00 in the two KIA Sinking Fund line items as well that about \$200,000.00 being put into future debt payments. The Mayor stated that this was correct. Mr. Flaherty also stated that none of those three line items have code numbers yet, but once they were entered they would have code numbers and again they will be dealt with like the general fund items where nothing can be moved without Council vote. Again the Mayor confirmed this.

The Mayor stated that they did need to address the Sinking Fund. Mr. Brown stated that by the end of the year there needed to be about \$375,000.00 in there.

Mr. Hatfield asked Scott Fleming if he realized that he only had \$126,000.00 in sludge removal. Scott addressed the question and explained how they came up with the amount. Bernie asked several questions of Scott on dumpsters used which were addressed as well.

Don Cundiff asked about the line of credit payments going to Peoples Bank and what the balance was. Mrs. Richmond said we are no longer drawing on it we were only paying it down.

Corky Miller made a motion to accept Ordinance 012-(number to be assigned) adopting the City of Shepherdsville, Bullitt County, Kentucky, Sewer Operations and Maintenance budget for Fiscal Year July 1, 2012 through June 30, 2013 as written. Rob Flaherty 2nd. Motion carried 3-2-1 absent.

City Attorney Wantland performed second reading of Ordinance 012-(number to be assigned) confirming annexation of unincorporated territory of 2.2 acres by written consent of all property owners of record of this property into the City of Shepherdsville. This property is located near the water tower in the back of the business park along 480. The property was owned by McGruder. Flynn had their property annexed first. Flynn, to square up the property, bought the 2.2 acres from McGruder. McGruder then had their property annexed into the City and because of the way they exchanged property this parcel was left out.

City Attorney Joe Wantland addressed why this particular property had not been annexed when the rest of the property surrounding it had.

Don Cundiff made a motion to approve. Corky Miller 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland performed second reading of Ordinance 012-(number to be assigned) on request by Paul D. and Linda L. Fackler to rezone 1.47 acres, more or less, from R-1 and R-4 Residential to B-2 Central Business. The property is located at 703 Cedar Grove Road. It's been recommended to be approved with restrictions. The restrictions are set out 50' building setback; 20' building setback off of Stevens and a 20' setback on Sparrow Drive. Parking is allowed within the setback area.

The mayor opened the floor to the citizens to address this rezoning request. A member of the audience, Mr. Duffy, asked where exactly this property was located. Several council members explained where it was located.

Larry Hatfield made a motion to approve. Bernie Brown 2nd. Motion carried 5-0-1 absent.

New Business:

Angie Weilage with Brown and Brown Insurance presented the Council with general liability insurance rates for the City of Shepherdsville and answered all questions by the Council, City Attorney and Mayor.

Tony Lee with Lee and Marshall Insurance and Michelle Barrett with Public Entity (Kentucky League of Cities) presented the Council with general liability insurance rates for the City of Shepherdsville and answered all questions by the Council, City Attorney and Mayor.

Steven Parrish with Insurance Connections (Kentucky League of Cities) presented the Council with workers compensation insurance rates for the City of Shepherdsville and answered all questions by the Council, City Attorney and Mayor.

Don Cundiff asked when they had to sign on the insurance issue. The Mayor said it needed to be soon. Tammy stated that if we stayed with the KLC we have it in the budget; should the Council decide to change to a new company we would be over our budgeted amount.

Corky Miller made a motion to approve Kentucky League of Cities general liability proposal. Don Cundiff 2nd. Motion failed 2-3-1 absent.

Rob Flaherty stated that having just received the information tonight, he would like to have time to read the details and compare the policies. Larry Hatfield stated that he too would like time to read and compare the policies as well. Mr. Flaherty stated if they needed to call a special meeting to pass it to ensure there are no lapses in insurance that they should address that. Larry Hatfield asked what would happen if we didn't do anything. Angie with Brown and Brown Ins. said the policy expires July 1st. Larry Hatfield said they needed to get these quotes next year in May, not June.

The Mayor and Council set a Special Meeting for Thursday June 28th, at 6:00 p.m. to vote on general liability and workers comp. insurance.

Joe Wantland read a Joint Resolution of Bullitt County Fiscal Court No. ___2012 and the City of Shepherdsville, Kentucky No. 012-014 Establishing a Steering Committee to assist in eliminating drug and alcohol addiction.

Bernie Brown asked how many other cities had adopted this. Tammy Richmond told him she only knew of Hillview so far. A statement was heard that a couple of the smaller cities had as well.

Bernie Brown made a motion to accept the Resolution. Rob Flaherty 2nd. Motion carried 5-0-1 absent.

Council began discussion of June City bills. Tammy and Leanne addressed questions from the Council on paid and unpaid bills and the new bill sheet layout. Tammy told the Council that bills for utilities and other bills that would incur late fees go out every Wednesday. Angi Johnston addressed issues with wiring problems on certain bills through the bank. Don Cundiff asked what we received from Allegra. Tammy said it was for envelopes to mail withholding forms and letterhead. Larry Hatfield asked if we really need outside cameras on our building. Everyone agreed we did. Chief Puckett said the bill was to replace a unit that had

gone bad, that it wasn't a yearly fee. They discussed several other bills. Tammy explained what each one was for.

Don Cundiff made a motion to pay the June bills for the General Fund. Corky Miller 2nd. Motion carried 5-0-1 absent.

Discussion began on Sewer bills. Mr. Hatfield asked who and what several bills were for. Tammy, Scott Fleming and Leanne answered his questions. A bill for mitigation over the Mark Scott Brown case was questioned. Larry Hatfield felt this should be paid out of the Salt River Interceptor Project. The Mayor said they could pay it now then do a reimbursement when they do the next draw down.

Larry Hatfield made a motion to pay the June Sewer bills. Corky Miller 2nd. Motion carried 5-0-1 absent.

Daryl Lee: Daryl briefed the Council on a couple cases coming to the City. The first was on a rezoning for Settlers Point to bring in a Ken Towery. The second was for a rezoning on a house just past the saw mill to R-1. Daryl stated he would be out of town the following month.

Duane Price: Nothing to report.

Sign in Speakers:

Brenda Fawbush: Mrs. Fawbush stated that a couple that lives two doors down from her have 4 blue heelers in their backyard that bark day and night. She said they also have 4 dogs in the house and they all constantly bark. She said that one of the dogs got out and an officer came and the dog charged the officer and tried to bite him. She stated that the dog did bite the neighbor on the other side of the street. She said she believed they were breeding dogs there. She asked if they were allowed to do this. Attorney Joe Wantland said they were not allowed to have over 5 dogs for breeding purposes without a conditional use permit. She then asked what they can do about the barking. Chief Puckett said he would have police officer Mike Miller check into it. She stated that animal control had been out twice but it still hasn't stopped. The Mayor asked for her phone number and said after the code enforcement officer checked it out they would call her.

Louise Reynolds: She stated that when the sewer (South Bullitt Interceptor Line) came through her farm they didn't repair the damage. Angi Johnston addressed the issue. She said she was getting quotes to correct the situation. Mrs. Reynolds also stated that speeders on Forest Hill Road are a big issue. She requested more police patrol. She asked about speed bumps. The Mayor told her to talk to the other residents on the road and see how they felt about speed bumps so that the Council could make a decision on that.

Department Reports:

Chief Troutman stated he sent an email to the Council about a fire truck they would like to purchase. He said it was imperative that they get something in so they have a reserve truck. He said in the past two weeks they had to borrow an engine truck from Mt. Washington because they were down to one truck in the City due to mechanical problems. He then told them the make and model of the truck they were looking into purchasing and its history. He said the truck was in really good shape and had low miles on it due to low usage. He explained that they had several trucks and didn't have to use this one a lot. He said the truck was being sold for \$45,000.00 but that he believed they could get it a little cheaper. He stated that a new one would cost up to \$400,000.00. He also said they could sell one of their rescue trucks to help offset some of the cost. Chief Troutman indicated that it would improve the ISO rating as well. He said their mitigation account could help equip the truck to get it in to service. Rob Flaherty stated that he had spoken to the Chief on a couple of occasions and felt this was a rare opportunity that doesn't come along very often to get a truck at this price and then be able to offset a significant portion of the cost by selling the rescue truck.

Rob Flaherty made a motion to allow Chief Troutman to verify the condition of the truck and authorize him to buy the truck for no more than \$45,000.00, less if he can get it for less and to put up the rescue truck for sale. Corky Miller 2nd. Don Cundiff then asked how we were going to verify the condition. Layne stated he obtained the past 5 years of maintenance records and explained what repairs and upgrades had been done to it in the past and the advantages of this truck over the current ones we had. Mr. Cundiff then asked where the money for this was coming from. The Mayor stated there was a large carry over from last year that could be used for this or that it could come out of the emergency fund. Tammy said they always start the budget at zero. They then discussed what was in the Fire Departments budget and that the money was available. Don Cundiff asked who would be verifying that it was in as good of shape as it was being presented. Layne said he as well as others that were mechanically inclined would be inspecting it. Mr. Flaherty stated he wasn't nor had he ever been a firefighter, but that they had to trust in the people they put in those departmental positions to advise them. He said he didn't have the expertise in verifying it but that he was putting his trust in the Chief to do that and to do his job.

Mr. Cundiff then stated he was aware that some of the equipment was lacking and that we had to have the equipment to protect the citizens, he agreed with that. Motion carried 3 for; 1 against; 1 abstention; 1 absent.

Council Reports:

Larry Hatfield: Stated he was leaving that he didn't feel well. Mr. Hatfield left the meeting.

Corky Miller: Congratulated the Fire Department and their families for their efforts in collecting for the Crusade for Children and raising over \$30,000.00.

Don Cundiff: Stated the front of City Hall is very overgrown. The Mayor said they would get that taken care of.

Bernie Brown: Stated that Highway 44 needed to be cleaned up, especially in front of the Board of Education. The Mayor stated they would take care of that as well.

The Mayor then stated that there was an issue he would like to take to Executive Session for direction from the Council on some pending litigation. Don Cundiff stated that he had an issue about personnel as well.

Rob Flaherty made a motion to go into executive session at 8:28 p.m. Don Cundiff 2nd. Motion carried 4-0-2 absent.

Don Cundiff made a motion to return to regular session at 8:53 p.m. Rob Flaherty 2nd. Motion carried 4-0-2 absent.

Joe Wantland stated that the Council had directed the Mayor to handle the personnel issue. Mr. Wantland continued by telling the Mayor that the Council designated him to deal with and report back to them on the litigation at a later date in a closed session.

Bernie Brown made a motion to adjourn. Corky Miller 2nd. Motion carried 4-0-2 absent. Meeting adjourned at 8:54 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk