

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, JULY 11, 2011**

Bonnie Enlow gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:31 p.m.

In attendance were Council members Bernie Brown, Don Cundiff, Bonnie Enlow, Larry Hatfield and Faith Portman. Alan Wetzel was absent.

Faith Portman made motion to dispense with reading of the minutes from the Regular Council Meeting on June 27, 2011. Don Cundiff 2nd. Motion carried 5-0-1 absent. Bonnie Enlow made motion to dispense with the reading of minutes from the June 29, 2011 Special Meeting. Faith Portman 2nd. Motion carried 5-0-1 absent. Bonnie Enlow made motion to dispense with reading of the minutes from the June 30, 2011 Special Meeting. Faith Portman 2nd. Motion carried 5-0-1 absent.

Bonnie Enlow made motion to approve the minutes from the June 27, 2011 Regular Meeting. Don Cundiff 2nd. Motion carried 5-0-1 absent. Bonnie Enlow made motion to approve minutes from the June 29, 2011 Special Meeting. Bernie Brown 2nd. Motion carried 5-0-1 absent. Bonnie Enlow made motion to approve the minutes from the June 30, 2011 Special Meeting. Don Cundiff 2nd. Motion carried 5-0-1 absent.

Mayor Ellis thanked everyone for attending the meeting and showing their community support and apologized for the room being so hot, the AC is out.

OLD BUSINESS:

Mayor Ellis stated that the County was getting ready to pass their own recordkeeping ordinance for pawn shops and he would like Council's input on whether the City wants to pass its own ordinance or hold off until the County passes theirs. Mrs. Portman asked if the County ordinance was similar to the City's. Mayor Ellis stated he had not seen it and asked Magistrate Bradshaw, who was in attendance at the meeting, if he could tell us what was in the pre-planning of the ordinance. Magistrate Bradshaw explained the highlights of the Ordinance and stated he expects it to be passed. He reported the County Attorney is writing it up for the first reading on the 19th. Mr. Cundiff asked about the time frame on it being passed. Magistrate Bradshaw said he thought the first reading would be the 19th of this month and that it would pass after the second reading at the following meeting in August. Mr. Brown asked if the intent of the Ordinance to be County wide would that allow any police agency county wide to access this information. Mayor Ellis stated that according to what Chief Puckett is saying, yes that they would be able too. Mr. Hatfield asked about the precious metal centers. Chief Puckett stated that was entirely different. Magistrate Bradshaw said he doesn't remember that being a part of the Ordinance. Mr. Hatfield asked if it wouldn't be easier to ask the County to include that in their Ordinance. Chief Puckett stated he thought that would be a good idea and that he would talk with Sheriff Dave Greenwell. Magistrate Bradshaw said he didn't see why that couldn't be done. Have one to cover all of it. Mrs. Enlow stated that there was a pawn shop owner here and she would like him to address the Council regarding this ordinance with the Chief to hear it so that the County will understand what they want from it because there are other things that need to be included because pawn shops are not the only ones that buy and sell stuff. Mayor Ellis stated we could move him up the sign in speaker list and ask his to approach. He stated he wanted to thank the Mayor, Council and Police Department for asking for this ordinance. He stated his name was Jay Smith and he and his wife have owned a pawn shop in the City for four years and that he has other family members with businesses in the City so he speaks for the citizens of Shepherdsville also. Mr. Smith stated that he agrees this Ordinance has good intentions but he feels if its not county wide and if there are not other stores added; such as anyone buying any merchandise from the public for resale, such as Gold Rush, who just opened in Shepherdsville, the Cricket store who buys used phones, I-pods, etc, Fishers Sporting Goods, Game Stop, and the Flea Market where a lot of this stuff is

going through, it won't work. Outside is one thing; but when you're set up as a business inside a business where they can sell their gold, they can sell their coins, toys, items, all the same stuff on the weekend. Mr. Smith stated he has a problem; he pays his business tax every year and those businesses inside, they don't set up and tear down like the outside ones do, they are set up like a business, so I have to compete with that. They don't have to have a license; they don't have to do sales tax that Shepherdsville should be collecting. They don't do that. That's another issue, but Mt. Washington has two pawn shops, they have a Game Stop and James' Jewelry box. Hillview has three pawn shops and a Game Stop there. So I believe if this could be enforced we would see a difference in the theft around us today. Segregated pawn shops would only encourage criminals to take their stolen items to other locations like those mentioned above. I do see the value of a system like this and I am always compliant with detectives but with the spotlight shining on us alone, government regulated would reduce the lack of stolen items coming through. So basically what I'm saying criminals are criminals, I get a lot of criminals who come in and we catch them. I work with a detective. You have to have your license, you have to fill out paperwork, you have to fill out an affidavit saying that its not stolen; police officers come in all the time we check items, everything else. This is a good idea doing what they're doing because you can also get Louisville pawn shops involved; but if you're only going to do it for the pawnshops they are just going to take it to the other places they know they can take it. It needs to be county-wide. I have read the ordinance and it sounds like it includes most of the stores I've already named but the way it's written right now its saying pawnbrokers and pawnshops and it should read any business that's set up to do that. That's all I've really got to say I appreciate your time. Mayor Ellis asked the Council what they wanted to do. Bonnie Enlow stated she would like to hold off and see what the County is going to do; get a copy of the Ordinance when it's ready so the City can review to see if there would be anything that needed to be added. Faith Portman agreed. Bonnie Enlow made motion to table second reading of Ordinance 011-084. Bernie Brown 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland asked Mayor Ellis if we wanted to table the first reading of the precious metals ordinance. Bonnie Enlow made motion to table the first reading of Ordinance 011-(Number to be assigned) regulating, licensing, recordkeeping, definition, of and by, precious metal dealers doing business in the City of Shepherdsville. Bernie Brown 2nd. Motion carried 5-0-1 absent.

Discussion followed on proposal from Salt River Investment LLC to pay balance due to Flynn Brothers Contracting in the amount of \$179,553.09. After some discussion it was decided not to accept the proposal and go to Peoples Bank of Bullitt County and get the amount due from the line of credit. Mayor Ellis stated he would contact Bill Hardy the next day. Larry Hatfield made motion to pay the Flynn Brothers bill (\$179,553.09 plus \$10,264.82 interest; totaling \$189,817.91) by getting the money from the line of credit at Peoples bank. Bernie Brown 2nd. Motion carried 5-0-1 absent.

New Business:

Larry Hatfield made motion to approve parade (walk) permit for Davidson Memorial Methodist Church on September 10th at 9:30 a.m. Faith Portman 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland read Resolution 011-017 authorizing signatures on the City of Shepherdsville BRAC account at the Peoples Bank of Bullitt County. Bernie Brown asked if this resolution states that the Mayor must be a signer on all checks drawn from this account. City Clerk answered it did not state that but assured Mr. Brown that would happen. City Attorney Wantland suggested adding the wording that all checks from this account must have the Mayor's signature. Faith Portman made motion to approve with additional language. Bonnie Enlow 2nd. Motion carried 5-0-1 absent.

Bonnie Enlow made motion to approve payment of the four loan payments from Republic Bank on police vehicles and police equipment. Faith Portman 2nd. Motion carried 5-0-1 absent.

Planning & Zoning update- Darryl Lee had nothing to report.

Board of Adjustment update- Duane Price had nothing to report. Stated their next meeting was this Thursday.

Sign in speaker Buddy McCubbins again addressed the council about the status of the pay cuts the council made on certain employees based on an Ordinance that he feels was made null and void by Budget Ordinances passed later allowing additional raises and asked that he and another colleague have their pay reinstated. He said he felt they lowered these employees' wages illegally. He said he didn't have a problem with going back to where he was and then taking a little away from everybody. Mayor Ellis stated they were working on this issue. Mr. McCubbins said that while they were working on it, it was costing him \$150.00 a week in take home pay. The Mayor stated he questioned that very thing before because it states clearly in a new Ordinance passed on every new budget that any former Ordinance is repealed and he felt the 2006 Ordinance should be repealed also. City Attorney Wantland stated he does not feel the Ordinance was drafted correctly. Mr. McCubbins stated the longer its drug out the more the City will owe and he feels like you're violating your own law. He would like to see issue worked on and be resolved by the next meeting.

Sign in speaker Barry Baugh Sr. addressed the council stating he already spoke about the sidewalks down Hwy 44 West. Mayor Ellis told Mr. Baugh that he gave Mr. Turner direction last Thursday to contact District 5 to determine who needs to repair these sidewalks. City Attorney Joe Wantland told Mr. Baugh that it's not up to the City to fix the sidewalks it is up to the State because they are on a state easement. Mr. Baugh stated he has 108 days to file a complaint regarding his Civil Rights. He also complained about the speed bumps in City Park. He feels the City should cut the center out so his wheelchair can get through the park.

Sign in speaker June Daugherty addressed the Mayor and Council with the price to finish the concession stand windows, plumbing and electric at the ball fields at the park--\$21,000. She stated as far as bathrooms they could bring in port-a-pots from Bullitt County Septic. She stated Jeremy Galloway will fix up the fields for play and asked if the City would commit to half the cost of this project which would be \$10,500. Discussion followed on using LGEA funds for the City's portion. Bonnie Enlow made motion to commit \$10,500 to revamp the City's ball program. Faith Portman 2nd. Bernie Brown asked if Mrs. Daugherty was certain the Y would come through with their portion of the money. June answered she hadn't asked yet. Suggestion made to make agreement contingent on the YMCA getting their half of the money and the City having \$10,500 in the LGEA fund. Bonnie Enlow withdrew her motion and Faith Portman withdrew her 2nd. Bonnie Enlow made motion to commit \$10,500 to revamp the City's ball program contingent on the YMCA getting their half of the money and the City having \$10,500 in the LGEA fund. Faith Portman 2nd. Motion carried 5-0-1 absent.

Sign in speaker Corky Miller stated he had some concern about the Civil Service Commission ordinance not being followed. He stated the word temporary is not used in the ordinance. The word probationary is and if this position is not voted on by the Council the person in the position is not being treated fair. You are not giving appeal rights to all employees. Mr. Miller also read a letter from George Miller in regard to the recent sewer increase and apartments stating what was read will cost apartment landlords 200-300% for water. He feels this needs to be revisited.

Sign in speaker Jamie Weck addressed the Council about the fire tax and all taxes. He asked "fire tax, where we at." City Attorney Wantland answered it's in the hands of the judge. Mr. Weck asked about all the rumors going around about merger. He stated there is no input on the part of the City to do that (merge) at all. Period. Mr. Weck asked if he was sure. City Attorney Wantland said no. Mr. Weck then asked several council members. City Attorney Wantland then stated there is nothing that has instructed this Counsel (me) to do anything about joining any kind of merger with South East in the City of Shepherdsville. I will tell you that South East has approached Shepherdsville about Shepherdsville taking over South East. That's where I left it. Bonnie Enlow stated they did not approach the City; they approached the Fire Chief. City Attorney Wantland said South East wants Shepherdsville to take over their functions. Mr. Weck asked if they were going to give us their money. Mayor Ellis stated it would actually be a contract for services from the City of

Shepherdsville. City Attorney Wantland stated it is manifestly unfair for citizens of Shepherdsville to pay two taxes for same service. He stated he thinks we're going back to Court but there will be no hearing if the Court of Appeals has not ruled. Mr. Wantland stated we are going ahead. He thinks the Court of Appeals is going to dismiss the appeal of the fire districts and we will be back in court and we will resolve this.

Sign in speaker Steve Larimore addressed the Council about the good job done by Officer Mike Miller on getting a problem in his neighborhood corrected. He stated a year or so ago the City passed an ordinance on the procedure the City would use on getting grass cut; he doesn't feel Officer Miller knew that and suggested getting Officer Miller a copy of the ordinance. He also stated he feels there are a lot of unintended consequences that the City will have to deal with by passing the new sewer rates; especially with apartments.

Department Head Reports:

Fire Chief Troutman asked to speak to the Council in Executive Session regarding a personnel issue.

Public Works Foreman Claude Middleton stated he is going to need a new mower soon. He's put 31 belts and made several other repairs to one of mowers they have and it's in really bad shape.

WWTP Superintendent Chuck Keith addressed the council stating the sludge press has gone from 150/gallons a minute to 80/gallons a minute in the last two years to 40/gallons a minute now and it just cannot keep up. A new belt will cost approximately \$3000-3500; to fix everything approximately \$6000. A portable press is 5.5 cents a gallon and we will need it for approximately eight months to a year. Mr. Keith also reported Creekview and Heritage Hill pump stations need to be looked at pretty quick. He stated the pumps at Creekview are not right and the cost for them is \$4000 each. Larry Hatfield made motion to fix the old press until the new one is finished. Bonnie Enlow 2nd. Motion carried 5-0-1 absent.

Council Reports:

Don Cundiff reported the weeds at the Shell on 44 are really high. Faith Portman stated she has talked to Officer Mike Miller about this already.

Mr. Cundiff also asked about the Civil Service Commission Board. Mayor Ellis stated he had two Republicans, Cheryl Armstrong, who is on the Board now; and he would like to appoint Jeremy Galloway as the second Republican; and we need a Democrat. After some discussion motion was made by Don Cundiff for Debbie Hawkins and Jeremy Galloway to serve on the Civil Service Commission Board. Faith Portman 2nd. Motion carried 5-0-1 absent.

Bonnie Enlow asked everyone to write their Representatives about a new law called Kaylee's Law that holds those responsible for not reporting a missing child.

Faith Portman stated she would like thank the Police Department, Fire Department and Public Works for all the work they did for Bullitt Blast. Job well done.

Motion to adjourn to executive session to discuss personnel by Larry Hatfield. Bonnie Enlow 2nd. Motion carried 5-0-1 absent. Meeting adjourned at 8:03 p.m.

Motion to return to regular session by Don Cundiff. Faith Portman 2nd. Motion carried 5-0-1 absent. Meeting called back to order at 8:18 p.m.

City Attorney Wantland asked for a motion from the Council to hire an additional firefighter to bring the number of fulltime firefighters to 12. Don Cundiff made motion to hire additional firefighter. Faith Portman 2nd. Motion carried 5-0-1 absent.

Motion to adjourn by Faith Portman. Larry Hatfield 2nd. Motion carried 5-0-1 absent. Meeting adjourned at 8:20 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk