

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 8, 2016**

Tim Wade delivered the invocation
The Pledge of Allegiance was recited

Council members present: Randy Hammond, Gloria Taft, Bernie Brown, Dana Bischoff James and Larry Hatfield

Mayor Hockenbury called the meeting to order at 6:29 p.m.

ANNOUNCEMENTS:

Mayor Hockenbury announced City Hall would be closed Friday, November 11th in observance of Veterans Day; he also announced for applications to participate in the *Light Up Shepherdsville* Christmas Parade to contact Tammy; and that there will be no Council Meeting on November 22nd and City Hall would be closed November 24th and 25th in observance of Thanksgiving.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 10/25/2016 Regular Meeting. Dana Bischoff James made motion. Bernie Brown 2nd. Motion carried 5-0-1 absent (AB).

Mayor Hockenbury asked for a motion to approve the minutes as written from the 10/25/2016 Regular Meeting. Gloria Taft made motion. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

Old Business:

Larry Hatfield made motion to leave second reading by Summary of Ordinance 016-(number to be assigned) establishing a Code Enforcement Board to abate nuisance, provide remedies, impose fines and generally enforce Ordinances concerning enforcement of existing and future City Ordinances concerning the conditions of property within the Corporate Boundaries of the City tabled. Dana Bischoff James 2nd.

Bernie Brown made motion to leave discussion of property donated to the City for placement of a water tower by Big Star Land, Inc. tabled. (There was a Resolution in 1979 to pay a vendors lien of \$1000 on the land donated.) There is an Agreement in place that when the property was no longer being used by the City it would be returned to Sam Hardy, President of Big Star Land Co.). Dana Bischoff James 2nd.

Mayor Hockenbury: The next item is to surplus a list of items submitted by the Public Works Department. Tom is sick. Dana Bischoff James: We do have the notes on it though. Dana Bischoff James made motion to go ahead and surplus the items using govdeals.com. Larry Hatfield: I've looked at it if we're not going to use it we might as well sell it for what we can get out of it. So I'll 2nd the motion. Gloria Taft: I think we should use govdeals.com like we have in the past to surplus; it's quicker, easier and cleaner. Dana Bischoff James: I agree. (Items include a 3 1995 F150s, 2002 F150, 2 1996 F150s, 1995 F700, 1982 dump, bob cat skid loader, 1997 case 580 backhoe, 1989 Ford 555 backhoe, set of skid steer tracks, snow plow for dump truck, salt spreaders, grasshopper zero turn mower, woods finish mower, John Deere 1050 tractor) All this property was purchased by the City of Shepherdsville for Public Works with the intent of providing the services to the community. If anybody is interested go to govdeals.com and you can register yourself and you can bid on this equipment if you want it yourself. It doesn't cost anything. Also, before you purchase it you can call and come over and inspect it. Motion carried 5-0-1 absent.

Mayor Hockenbury: Next item on the Agenda is discussion on moving Public Works offices into the Community Center building. That's the building that people rent out. Larry Hatfield made motion we don't do this. Bernie Brown 2nd. Larry Hatfield: The reason is it's a community building and there are a few more people that use that building that we realize so I asked Layne what would be wrong when they move if the new Council decides to build a fire house; they are going to take that equipment from the fire house and move it to the other firehouse why not roll Public Works over to that building? It's got bay doors and the

community can still have theirs; Layne was fine with that; I spoke briefly with Tom and he was fine with that. It might be a year or so but they will have a whole lot nicer building. Dana Bischoff James: I do think it's important that the Community have a community building. That's another aspect, the City doesn't have a lot that we offer to the citizens; that's one of our weak points as a City that we need to expand on and have something for the citizens. Bernie Brown: One thing that I heard from a resident is that; I know there was a comment made I think by Tom at the last meeting that it doesn't get used much and somebody from Meade County used it. I'm wondering are we renting that to people in other counties. City Clerk Richmond: I think so. Bernie Brown: I wonder why because that's really I think is something that is provided for Shepherdsville residents and taxpayers. I'm not saying it should never be rented to someone else but I think there ought to be a different arrangement made for doing it. And there are some groups of people that do use that building right now and I think it would be wrong to remove that. Mayor Hockenbury: If that's the consensus of the Council we won't go any further. Bernie Brown: I think we do need to have some kind of a policy established for other counties using it. Motion carried 5-0-1 absent.

Gloria Taft: Mayor are we going to back up and talk about the camera system? Mayor Hockenbury: Tom's not here and he has some expertise in that. What Gloria is talking about there are six companies that bid on the camera system and we've got it broken down by prices. Dana Bischoff James made motion to table. Gloria Taft 2nd. Motion carried 5-0-1 absent.

Mayor Hockenbury: Next item is further discussion on leasing property of 7th Street to Brent Denham. Mr. Denham was not present. Larry Hatfield: He wanted to lease the floodplain property. Mayor Hockenbury: Yes he wanted to lease the property that's behind his house. Dana Bischoff James: What is the system for that? What is the legality of this? City Attorney Walt Sholar: I don't think there is any legal requirement that you take bids to lease the property; you can if you all for some reason determine that you as a Council determine that the fair thing to do here is to advertise this whole thing up for lease and take bids on it. I know the County would up with a lot of vacant land and we did not require that to be bid out typically; we would enter into a lease agreement with somebody that had adjoining property and would require in the lease agreement that they entered into with the County that they lease it for some minimal amount of money i.e., usually it was \$1 a year but they be required to maintain it by cutting the grass, I don't recall the details of the agreement that the County has but I suspect it was they had to keep the grass cut from March thru November and they had to keep rubbish off the property. They couldn't build any structures on it. City Clerk Richmond: We have leased property in the past; it's been a long time ago but we lease two different parcels for \$1 a year; I've still got the leases. Gloria Taft: What about insurance? City Attorney Sholar: I wouldn't be overly worried about a vacant piece of property but you can put that in the lease that you want them to have insurance on it. Dana Bischoff James made motion to table. Randy Hammond 2nd. Motion carried 5-0-1 absent.

New Business:

City Attorney Sholar had first reading of Ordinance 016-(number to be assigned) on request from Faith W Lyles to rezone 3.23 acres, more or less, located on West 4th Street and KY 44 from R-1 Residential of B-2 Central Business. Second reading will be December 13, 2016.

City Attorney Sholar had first reading of Ordinance 016-(number to be assigned) on request from Faith W Lyles to rezone .75 acre, more or less, located on West 4th Street and KY 44 from R-1 Residential of B-2 Central Business. Second reading will be December 13, 2016.

City Attorney Sholar had first reading of Ordinance 016-(number to be assigned) on request from Faith W Lyles to rezone .52 acre, more or less, located on West 4th Street and KY 44 from R-1 Residential of B-2 Central Business. Second reading will be December 13, 2016.

Daryl Lee: No report.

Duane Price: No report.

Sign In Speakers:

Gary Board: I want to thank you all with your assistance in getting the potholes fixed; all but one. There is one still out there and I know you all probably haven't done anything yet or proceeded with the restriping but a couple days ago I saw a tour bus coming out and another vehicle trying to turn in from 44 and the tour bus was in their lane. Scott Fleming: That should be taken care of in the next two weeks.

Todd Moorman: I work for a company called JLL and we represent the owners of the building on Thomas P Echols or Zappos Blvd and if it's alright I'd like to pass out a diagram to make it easier for you all to understand what I'm talking about. As I mentioned we represent the owners of the building that is earmarked in green, 100 W Thomas P Echols Drive and if you'll notice down below there is a red circle with a lift station below that. That lift station serves our building and right now we're responsible for maintaining that but that lift station also serves the building that is at 1350 Cedar Grove Road and the building across the street on Zappos. The reason that I'm here I wanted to petition the Council to take over the maintenance of that lift station. Chuck Keith: I don't know what year it went in service but we've been doing the maintenance on it since it was there even though it's not our lift station. They are paying the electric bill on it. It's Zappos in Zappos Blvd and they were the only one on it now the other building is on it and we have a problem there; that's one of our stations that we pull every Thursday because it's always stopped up with shoe strings and box ties which they are aware of that. So they have a monthly maintenance fee that they are paying also. He's just here to request the City to take it over. Bernie Brown: Who owns the lift station? Chuck Keith: Zappos was the original owner but I guess since Amazon bought them out I guess it's Amazon's now. Larry Hatfield: Why have we not taken it over before now? Chuck Keith: It hasn't been requested before now. Mr. Moorman: I think probably the reason is I inherited this position about six months ago and really only with his help did I find out that we were even technically responsible for it so I don't know what happened. Larry Hatfield: Is that one that would go off line if we did the ... Chuck Keith: Yes sir. Larry Hatfield: I was under the impression that once the lift station was installed and the sewers were taken over by the City we take over the pump station. Chuck Keith: They usually request us to. Larry Hatfield: So nobody requested us to do this? Chuck Keith: No. Larry Hatfield: Who put it in? Chuck Keith: I don't know who the developer or contractor was. Mr. Moorman: It was Lauth a company out of Indianapolis. Larry Hatfield: It was there to serve Amazon? Mr. Moorman: I think the original plan was to build three buildings, two of which were built; one of which ... Chuck Keith: The original plan was for it to go offline. Rob Campbell: I need to research it but I believe there is an agreement in place that was an original agreement for Lauth to go in that when the interceptor was complete that Lauth had to build the rest of the line to take it offline. Chuck Keith: You are correct on that. Larry Hatfield: So we would need to extend the interceptor from the siphon age up east and this lift station will come off. Rob Campbell: As their expense. That was the agreement with Lauth. Dana Bischoff James: What kind of cost are we looking at to do this? I understand it would be an agreement but how much of a cost would that be; ballpark or any type of number? I know that's a real rough question. Chuck Keith: He's just here to request us to take it over. Like I said we've been doing the maintenance on it. Randy Hammond: You've been doing the maintenance so basically just taking over the electricity. Will there still be a fee involved for cleaning out as far as debris. Chuck Keith: It will still be there; every Thursday we have to pull those pumps and every Thursday they are stopped up with shoe strings and box ties. We take pictures every time we pull it. He's aware of this. Mr. Moorman: There is a building across the street that sells shoes. Chuck Keith: It's definitely coming from the old Zappos building. Mr. Moorman: We're the building across the street. Both buildings were originally developed by Lauth. Larry Hatfield: And both buildings are owned by Amazon? Mr. Moorman: No sir. The building that I represent is owned by a company called Welch Property Trust and we did not buy it from Lauth I believe we bought it out of bankruptcy, USAA actually owns the building that Zappos is in. Amazon is just a tenant in our building. Chuck Keith: In talking to Tammy they are still paying the maintenance fee for the building where Zappos was. Larry Hatfield made motion that we get Mr. Campbell, Mr. Keith and Mr. Fleming to have a full report on this ready for the next meeting but I don't understand why number one, this is the first time I've heard that we've had problems with the lift station and we're cleaning it every Thursday which for some reason that should not be happening so I think maybe we need to do a little bit more investigating and find out a little bit more about this. That lift station can come off if the Council decides to extend the gravity fed interceptor project in behind Zappos. That might not stop the problem why we're getting shoe strings and everything else in there and we're spending evidently more maintenance on this

little lift station than we are others. Chuck Keith: The shoe strings and box ties don't have anything to do with that. Larry Hatfield: I understand that. But it's a problem with the City because that should not be happening. Chuck Keith: We've addressed it several times. Larry Hatfield: Would you give us 30 days to look in to this? Mr. Moorman: Sure. Larry Hatfield repeated his motion that we get Mr. Campbell, Mr. Keith and Mr. Fleming to have a full report ready for the next meeting. Gloria Taft: I would like to have it before the next meeting that way we have maybe a week to go over it and get some understanding. Larry Hatfield: I agree, as quick as we can if they can do it within 30 days. How deep is that wet well? Chuck Keith: I'm going to guess 12-14 foot. Larry Hatfield: And it is literally stopping up the pumps? Chuck Keith: Yes it stops up the pumps. Larry Hatfield: Where does the force main go from here to? Chuck Keith: It pumps to that manhole in front of Mr. Hamilton's house. Larry Hatfield: I wonder how much stuff is getting through there before it stops up. Chuck Keith: As long as it's been there we haven't had trouble down the line. Larry Hatfield: Is there a screen on it? Scott Fleming: Larry we've actually spoke to Zappos about this; that's what the \$1400 a month is for, a maintenance fee to take of any problem that might come up with that. We approached them about putting a grinder pump, muck monitor, something in there to address it but we put it on a maintenance schedule to keep anything from happening down line. Larry Hatfield: Is this gentleman the only one that is responsible for it? Scott Fleming: No sir. Chuck Keith: He's paying the electric bill. I don't know how that came about. Mr. Moorman: Like I said I just inherited it. I got a bill and it took me a while to sort through where it was. That's why I'm here. Dana Bischoff James: What amount are you paying a month? Mr. Moorman: It's minimal, maybe \$25, it's not much. The reason that it came up is my tenants asked me what the maintenance schedule was because this is the only lift station. If this lift station stops working they want to know the plans; that's where I found out I was responsible for it. So I'm just trying to get to the bottom of it and thought that because the City is maintaining it anyway it would be best if you all maintain moving forward; that's how we got to where we are. City Attorney Sholar: I heard the word agreement and I'm going to be real curious to know if there is a written agreement that says something to the effect that the purchaser; the landowner of that property is to maintain and hold onto and keep ownership of that lift station until such time as this other line gets built and they pay for the line. Rob Campbell: I was under the impression that was a condition of the plan approval when they did the plans. But I'd like to research it. I have the same questions. Chuck Keith: Rob is pretty much right on that. City Attorney Sholar: Okay so my point is, I mean I'm not by any means prepared to say that the City Council can't say we don't care about that we're going to let them get rid of it anyway but if there is that agreement it might not be a very wise thing to do for us to say let us have it and you all go on with life. Mr. Moorman: I believe that agreement is with Lauth. They were the original developed and they have nothing to do with any of the buildings that are there today. City Attorney Sholar: That could be and then what we would have to be looking at is whether or not Lauth's responsibility passed through to the people that purchased from Lauth or whether that was discharged. I don't know what happened with that and that would be something that I hope Mr. Campbell is going to be able to help us figure out. Rob Campbell: We'll get something together before the next Council meeting. Gloria Taft 2nd Larry's motion. Larry Hatfield: We cannot gravity feed this pumping station unless the interceptor is extended, correct, unless we buy an easement ... Rob Campbell: I believe easements exist for that part of the interceptor. Dana Bischoff James: And what does happen if this lift station stops working; do we have a backup plan to this. Chuck Keith: We have a spare pump for it. If anything happens we have what we need to fix it. Motion carried 5-0-1 absent.

Bonnie Enlow: I don't know when you all did it but you repaved Joe B Hall awhile back and the lines haven't been repainted and I've gotten a lot of complaints from everyone saying they've almost been hit head on, people being in the wrong lanes, coming across the wrong area, and citizens want to know while you're striping Adam Shepherd could you not add in Joe B Hall. Mayor Hockenbury: It's all one thing.

Police Chief Doug Puckett: I just gave you our monthly report; it's got everything through October and September has been added. We've got three new officers that we hired that are on the street now and I'd like to introduce them to you. First is Todd Anderson, he's retired from Louisville Metro Police Department; Kyle Burton, he's a lateral transfer from Jefferson County SO; and Mike Roederer, he is a lateral transfer from Pioneer Village. With the addition of these officers and Josh Simpson who we hired about a year ago on the street we have a Supervisor and four officers on each shift and we have two officers on overlap; so anytime during the day we can possibly have as many as 6 people on the street. Also, Shepherdsville

Santa, our basket give away is going to be December 17th, we're taking applications the 1st through the 30th of this month. The giveaway is going to be at the Community Center on Frank E Simon Avenue between 10:00 a.m.-2:00 p.m.

Fire Chief Layne Troutman: I sent out an email on the rundown for last month tonight; in October we had 104 runs for the month, two structure fires, two vehicle fires, 29 EMS assists, 27 motor vehicle accidents, 13 fire alarms which include gas alarms at the Industrial Park also, we had 25 wires down or odors in the area and 5 grass fires. We also had our Trunk or Treat on October 31st and had about 1800 people that came through and we also had Fire Prevention Month where we hit all the schools and businesses here in town to talk about fire prevention. I sent an email last month about needed to purchase three gas monitors for the Department; the three that we have are all out of service and would cost more to repair than replace. We've been sinking money in to them over the last year trying to keep them working. We want to take it out of the Mitigation Fund and to do that I need Council approval. The lowest bid we got was \$8630 and that is three monitors, a dump station which you bring them in and set them in the cradle and it recalibrates the machine, three cases to carry them on trucks, and the gas that it takes to recalibrate them. Gloria Taft made motion to allow Chief to purchase the necessary items out of the Mitigation Fund. Randy Hammond 2nd. Motion carried 5-0-1 absent.

Report from WWTP Superintendent Chuck Keith: We've got a day to day routine that we follow and it stays pretty much the same unless something at the Sewer Plant happens to cause us to deviate from it or in the Collections system. Like pulling pumps, we have several pumps we pull once a week because they stop up. We've got a couple small jobs at the plant like repairing the oxidation ditch and some electrical work on #1 lift station. Other than that our day to day is routine unless something does happen.

Public Works Director Scott Fleming: I have a brief update on the Alpha Way project. The Mayor, myself and Mike Marlin with Qk4 have come across something we can change as far as the drainage goes on this project. It's going to eliminate roughly 1200 feet of pipe that will save the City roughly \$90,000 that we can put toward the project in other areas. We've got a preliminary design from Jeremiah which has been great to work with and they are going to draft us a drainage easement that Walt we will send to you and Gary McGruder has agreed to sign off on that.

Report from City Controller Bob Ryan on City/Sewer Finances: You were given the spreadsheets with the expenses for the general fund and sewer fund. I know you probably haven't had a chance to go over them but when you do if there is anything in there that you have a question on or you want further documentation please come by the office and I'll be more than happy to pull the original invoices and present them to you for your review and any questions you might have. Last month it was reported a \$1.1 million drop in cash; that has been corrected this month with the collection of the quarterly payroll taxes, insurance taxes, and there are still some more of those payroll taxes coming in but this time there is a \$60,000 increase in the cumulative cash balances in the bank accounts for the City. A lease payment on the building was due November 1st and made; we're down to one more payment on the building and then it's yours. About two or so years ago we approached the owners of the building with an offer to pay the building off early and they wouldn't accept it. They wanted their annual payment. On the Sewer fund cash levels remained pretty much the same last month to this month. There is a \$4700 increase in the cumulative balances of cash. At this point I have not received any documents from the Water Company on their billings, collections, and outstanding receivables so I don't have those to report to you but as soon as they come in the monthly statement for the general fund and sewer fund will be completed and those will also be put in your mailboxes for your review. Again if you have any questions on those numbers please give me a call.

Civil Service Commission Chairman Tom Rosselli: I'd just like to advise you we are going to have a meeting on November 15th at 10:00 a.m. to discuss two issues. We're going to be selecting among Commission members a chair and vice chair; we also need an attorney for Civil Service and Mr. Jim Winchell has agreed to be here and we're going to interview him and we'll make a decision then.

City Attorney Walt Sholar: I would suggest you may want to consider going into Executive Session to discuss litigation and property acquisition.

Gloria Taft: Alpha Way, we trapped a total of 12 beavers and we originally thought there were 4 but they found a dam further in that was 6' x 3' x 5' and it housed a total of 12 beavers. If there are any more he will come out for free during trapping season and trap the beavers at no cost to the City. We'll be having an Alpha Way meeting tomorrow at 4:00 to address the drainage issues at the one end and we have to address the cul de sac issues at the other end; both we're dealing with having deeds signed and trying to get attorney's to agree on verbiage and the such. The public during this time would like to see the City bring in new businesses that serve the Community; possible a movie theatre, retail clothing, Payless Shoes are just a few of the names that were thrown out there so if we could start looking out there and thinking about Mr. Mayor, whom you want to approach and start trying to draw them towards Shepherdsville; I would also ask that we go into Executive Session for two things of possible litigation.

Bernie Brown: I'm a little bit perturbed about a letter that came in addressed to the Mayor and City Council dated 29th January. I got my copy on the 2nd of November. What happened? Where was it and why weren't we informed sooner? Mayor Hockenbury: So your question would be why you weren't notified on that date correct? Bernie Brown: This letter has been here nine months until I got it. I think it would be good to hear back from you as to why. Mayor Hockenbury: There are some issues that I'm going to address, transparency issues, etc. It's a new day for Shepherdsville. Anybody can come in and look at any credit card statement, this is your money we'll be spending it like it's yours. I'm not a politician so I might not say the right thing but I want to provide services to this community at the most efficient cost and I'm open to anybody who wants to give me some advice. With the help of this Council and the new Council we'll move forward and try to provide services to this Community. Bernie Brown: I see some of the candidates for the Council here tonight; several are not here, I just want to express my thanks to everyone win or lose I appreciate you all stepping up and working towards getting elected to help serve the community. I want to wish all of you the best of everything. We might be hearing something about the results in the next hour or so.

Dana Bischoff James: Just as I've done in the past meetings if you are running for something tonight I'd like to invite you to stand just to acknowledge those people; Gloria and I are on the ballot as well. I do want to encourage everybody to continue to pray for our leaders, pray for them to find guidance and wisdom because the positions here; it seems like a lot of people make decisions based on a political favor or are asked to do things that are not right and people often tend to give in and do those things under public pressure. I encourage you to continue to pray for those people in those positions.

Larry Hatfield: Walt are we at liberty after tonight with the new Council; can we bring them in Executive Session at the next meeting if need be and brief them or am I at liberty to discuss some things with them on the bills, accounting and different things. City Attorney Sholar: Generally speaking there is no, other than stuff discussed in Executive Session, there is nothing that is confidential other than personnel matters with regard to the City. If you think you've got a bill that is too high and you want to talk about finances of the City you can talk to Council people that are coming on board, you can talk about it with Tom Dick Harry Sally or Sue. With regard to Executive Session that would be; the City Council can vote to basically look at inviting into Executive Session whoever it deems necessary to discuss whatever business being discussed in there. You can't invite them into Executive Session just to talk about City Business. It would have to be about whatever specific thing but if you want to let them have a seat at the table while litigation was discussed you could do that. Larry Hatfield: Mayor I would like to throw James Watkins name in for consideration to be appointed to the Ethics Board. He said he would love to serve if the Council decides to approve him. I think we need an Ethics Board as quick as we can get it.

Mayor Hockenbury asked for a motion to go into Executive Session to discuss litigation, property acquisition and potential litigation. Larry Hatfield made motion to adjourn to Executive Session. Gloria Taft 2nd. Motion carried 5-0-1 absent

Gloria Taft made motion to return to Regular Session. Larry Hatfield 2nd. Motion carried 5-0-1 absent.

Mayor Hockenbury reported there was no action taken and the Attorney will proceed with litigation in the closed session.

Dana Bischoff James made motion to Adjourn. Randy Hammond 2nd. Motion carried 5-0-1. Meeting adjourned at 8:21 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk