

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 13, 2016**

Pastor Tom Elbert Jr., Divine Savior Lutheran Church delivered the invocation
The Pledge of Allegiance was recited

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

Mayor Hockenbury called the meeting to order at 6:33 p.m.

ANNOUNCEMENTS:

Mayor Hockenbury announced the Swearing In Ceremony for the new Council would be Wednesday, December 21st, 6:30 p.m. at City Hall. Everyone is welcome to attend.

Mayor Hockenbury announced there would be no meeting on December 27th and City Hall would be closed Friday, December 23rd and Monday, December 26th in observance of the Christmas Holiday and December 30th and January 2nd for the New Year's Holiday.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 11/8/2016 Regular Meeting. Dana Bischoff James made motion. Randy Hammond 2nd. Motion carried 4-0-2 absent (AB, LH).

Mayor Hockenbury asked for a motion to approve the minutes as written from the 11/8/2016 Regular Meeting. Gloria Taft made motion. Dana Bischoff James 2nd. Motion carried 4-0-2 absent.

Old Business:

City Attorney Walt Sholar had second reading and public comment on 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. Gloria Taft made motion to approve. Bernie Brown 2nd. Motion carried 4-0-2 absent.

City Attorney Sholar had second reading and public comment on 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. Randy Hammond made motion to approve. Gloria Taft 2nd. Motion carried 4-0-2 absent.

City Attorney Sholar had second reading and public comment on 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. Bernie Brown made motion to approve. Dana Bischoff James 2nd. Motion carried 4-0-2 absent.

Dana Bischoff James 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 on the table and let the next Council decide on it. Bernie Brown: I've heard that if we don't have an Ordinance in place by the first of the year I guess there will be certain repercussions; and this might not be true that's why I'm asking you Mr. Sholar, if on the lien list the City would become last to receive back any money. City Attorney Sholar: Not that I'm aware of. I checked into it; I heard some statements that the City was required to get this passed by the first of the year and I checked into that, read the Statute, I was convinced that was not the case but to be overly cautious I contacted the folks that wrote up the model Ordinance that the City is looking to model it's Ordinance after, the Kentucky League of Cities and spoke with one of their attorney's in Lexington and they said they were under no belief that it was required to be done at any time nor was it required to be done by the first of the year. They recommend it and the whole idea sounds good to me as well but there is no State law that says

that you have to it. Bernie Brown: I've been wondering about that. I think we leave it on the table and let the next Council deal with it. City Attorney Sholar: If I may note Ms. Minton and Mr. Patchin and I have met briefly about this and I think we're planning on getting back together soon. They are going to get together some information and one thing that we want to try to stay away from; I want to recommend the City stay away from anyway, is passing Ordinance after Ordinance after Ordinance wherein we set out that any clause or line in conflict with this Ordinance is hereby repealed. What that does is that puts anybody trying to enforce whatever law the City has in place they have to go back and research all the prior Ordinances to find out whether they are in conflict or not and it becomes very burdensome. At any rate, Ms. Minton and Mr. Patchin are supposed to be taking a look at the older code enforcement Ordinances that we have and hopefully be bringing to me a list of what those Ordinances are so we can list them in a Section of the new Ordinance where we will specifically repeal them all and that way not have them in a position where when they are going out and try to enforce this or that that they have to go back and look at every Ordinance that we've passed since many years ago. Due to unforeseen circumstances they were not able to get back with me and we hope to get that done in the next 30 days or so.

Mayor Hockenbury stated the next item on the Agenda was further 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.). Bernie Brown: I suggest we leave that tabled for now. I just spoke with Mr. Sholar, he hasn't really looked in it, he hasn't got the documents; we'll get them to you tomorrow to let you review everything. Dana Bischoff James: I agree.

Mayor Hockenbury stated that after looking at the bids on the internal/external camera system; there were six bids and we are going with the second lowest. The recommendation is to award Security Pros the bid, its \$24,800 and that's who we have not. We use that system right now. Bernie Brown made motion to accept the \$24,800 bid. Randy Hammond 2nd. Motion carried 4-0-2 absent.

The next item on the Agenda was further discussion on leasing property on 7th Street to Brent Denham. Mr. Denham was not present. This item will remain tabled.

The next item on the Agenda was further discussion on request for the City to take over the Lift Station on Thomas P Echols Drive. Scott Fleming and Rob Campbell stated they needed to gather more information on this before the Council makes a decision.

New Business:

Mayor Hockenbury stated the City had received a request by David Miles to take over streets, sewers and street lights in Section Five of Hensley Estates. Bernie Brown: Has anybody in the City looked at, investigated and documented that everything meets the code? Scott Fleming: We actually worked with Mr. Miles through all this; sewers, roads, sidewalks, lights, everything so we would make the recommendation to take this over. Dana Bischoff James made motion to approve take over Section 5 of Hensley Estates. Randy Hammond 2nd. Motion carried 4-0-2 absent.

Daryl Lee: No report.

Duane Price: No report.

Sign In Speakers:

Gary Board: This may be information you may be aware of but in case you are not; on November 23, 2016 Kentucky Utilities and Louisville Gas & Electric Company have filed an application with the Public Service Commission of an adjustment of electric and gas rates and charges proposed to become in effect on or after January 1, 2017. The current residential customer's basic rate for electricity is now \$10.75 per month; the proposed basic rate would increase to \$22.00 per month. This is the amount a residential customer would pay each month even if you did not use any electricity. That is an increase of \$11.25 per month and

\$135.00 per year. The current residential basic rate for natural gas is \$13.50 per month; the proposed basic rate would increase to \$24.00 per month. This is the amount a residential customer would pay each month even if they did not use any natural gas. That is an increase of \$10.50 per month and \$125.00 per year. If you are a residential customer that uses both electricity and natural gas your yearly increase would be \$260.00. This adjustment will not only affect residential customers but all customers in Bullitt County and possibly the whole state. I'm asking the Shepherdsville City Council for their help in asking the Public Service Commission not to allow these adjustments to take effect. I have researched this on their website which you all are welcome to do; it's psc.ky.gov and there are two case numbers; 2016-00370 and 2016-00371. I have filed paperwork with the Public Service Commission to be allowed to intervene. Louisville and Jefferson County Metro Government, Lexington-Fayette County Metro Government, Wal-Mart Stores East LLP and Sam's East Inc, Kentucky Industrial Utility Customers Inc, also with the Community Action Council for Lexington-Fayette, Burgin, Harrison and Nicholas Counties Inc, also the Kroger Company, the Greater Muhlenberg Parks and Recreation System, Association of Community Ministries Inc, United States Department of Defense and all other federal executive agencies and also the Kentucky Attorney General. I may have missed some but when I looked through I didn't find any municipalities in Bullitt County, nor Bullitt County Fiscal Court which I went to their meeting and asked for their help in doing the same thing and I also did not find any government agencies in Bullitt County and this concerns me. I'm asking for your help to try to prevent this from happening. There was much detail in the *Pioneer News* Wednesday, November 30th. Everybody that uses gas and electricity is going to be affected; whether they use it or not.

Faith Portman:

I'm here to give an update on HOPE. I haven't done that for a while. The Mayor asked me to bring it to your attention that we're still here. Thanksgiving we served around 70 people. All the turkeys we gave away were donated by First Harrison Bank. Christmas, Great Clips did all the gifts and they did a great job. Everything was donated; nothing came out of HOPE's pocket. People in this Community are so good to my Organization; I'm so happy and I want to thank everybody that's helped out with that. I will keep you all updated.

Carl Rogers:

We are Room In the Inn; I hope that you are aware of us. For the past two years we've operated in Bullitt County. We only shelter in Bullitt County and what we do we provide services with a network of about 30 churches in Bullitt County and about 20 businesses. We go from church to church from night to night. We have a plan of simply self-sufficiency where we keep these families or displaced individuals six to eight weeks we help them get a job, we provide their transportation, their lodging and meals, they are able to work hard and save hard and accumulate \$1500-\$1700 and regain self-sufficiency. Tonight we're at the Hillview Government Center, 11 individuals, 2 children and the rest are adults, anyway we are in a little bit of a crunch in needing access to a place which I believe the Community Center would do very very well. After hours and before hours; what we have is we have individuals coming in to the program, all of our folks work first shift day time so we get a new family in there is a transition period where they are job seeking and this morning as we leave Hillview Government Center we come in a take everybody to school or work and by 7:00-7:30 all of our folks are some place except the new people. We need a place to access; the library open up at 9:00; a warm dry place where they can stay at for a couple hours in the mornings until they are able to access the library; that's one big deed we have and the second one is that an overflow location perhaps or after 9:00 p.m. when we have a bit of an overflow or a church canceled or something like that we have a backup place to go. These are off hours if you would; the Room In The Inn concept is driven by like churches sitting empty 80-85%; they have been heated and cooled; the Government Center in Hillview is the same way; so it's just access and valuable space for individuals who are without shelter and seeking to regain self-sufficiency. We would like to access the Community Center for the next 60 days until we get through this really difficult time weather wise. Dana Bischoff James: My concern is with a conflict in scheduling. That would be something to check with Margaret on. Mr. Rogers: This is totally after hours, it would be after 9:00 p.m. and we would be out by 9:00 a.m. The library would open up at 9:00 so it's totally off hours. Dana Bischoff James: People will rent out the Community Centers for birthday parties, weddings, that's why I would say, coordinate with Margaret. That would be just to make sure. Mayor Hockenbury: Maybe you could come back with the new Council to answer their questions; our next meeting is January

10th and in the meantime we can check with Margaret to see if there would be a problem. Bernie Brown: What about in the meantime if they did have an emergency situation if they contact you and you can maybe work it out if there is no conflict. Gloria Taft: I would like to see you get the Mayor's cell phone number of you get his number and that way if an emergency need arises contact the Mayor and if there is no conflict...

Police Chief Doug Puckett: I don't have a whole lot. At the last Council meeting I think I introduced three of our new officers; I've got one I haven't been able to introduce because he's on a different shift, Josh Simpson, we hired Josh about a year ago and we sent him to the Academy, he graduated the Academy and went through our 15 weeks of training in Shepherdsville and he's been on the street about six weeks now. The only other thing I have is Saturday the 17th we'll be doing the *Shepherdsville Santa* food giveaway. It will be at the Community Center between 10:00-2:00 p.m. We've got about 115 families who we will be servicing this year. Down a little bit from last year but I guess maybe the economy is better than it was last year. As least we're able to help 115 families.

Fire Chief Layne Troutman: This past month we had 108 runs; 28 EMS responses, 26 vehicle accidents, 18 fire alarms, 4 brush/woods fires, 22 wires down/odors, 7 structure fires, and 3 vehicle fires. Also on December 17th from 9:00-11:00 a.m. we will have breakfast with Santa here at the firehouse so if anyone wants to come up come on! We do it every year for the last 10 years.

Report from WWTP Superintendent Chuck Keith: I really have nothing new to report; the sewer runs itself and as long as we do what we're doing every day and nothing breaks then we are in good shape. Mayor Hockenbury: Are they working on Beech Grove bypass? Chuck Keith: Yes they are. In March it is supposed to be let out for bids. We do have two sewer taps we're extending this week so it won't be under the road when they get through.

Public Works Director Scott Fleming: Two things, one touching on Beech Grove Road. We actually met with KYTC last week out there on site; we started taking some of the structures down that are in the right of way so we can keep that project going and won't hold up the letting date at all. Also, the red light at 480 and Alpha Way should be up and going within the next I'd say ten days to two weeks. So there is a little bit of progress on both road projects. Mayor Hockenbury: Somebody made a comment that we might need some type of directional sign there coming out of Buffalo Run because it will be a right turn right in right out only. Sometime in the future but if they turn right when they come from the Buffalo Run college Bison Court will beside the coffee shop will come out at the red light. I understand it is \$700 a month for one of those signs? Scott Fleming: It is. There are numerous City events we can use it for. We actually looked at pricing to buy one, it's about \$15,000 and like the Mayor said it's \$700 a month to rent one. We actually recommend renting one for Buffalo Run until this project is completed. It's up to you guys to decide. Bernie Brown: We need one all the time wouldn't we? Mayor Hockenbury: I'd like to see if the Council would think about that; if we use that it's \$700 a month and it comes brand new and will last 15-20 years. It might be a cost savings. The more information you can get out to the public when there is traffic, what's coming up and which way to go. Randy Hammond: One would have really been handy at the new Love's entrance the last month or so. All the truck drivers are very confused on where to go in and I've seen some near misses. Dana Bischoff James: My recommendation would be to always meet with your Controller; for the next Council coming on to make sure before you make big purchases that you cross reference everything and make sure money is available. Mayor Hockenbury: It needs to be in the budget and anything \$20,000 has to be bid. That's just something right now for the new Council to think about as well as citizen input.

Report from City Controller Bob Ryan on City/Sewer Finances: You were given your financial summary for November and the spreadsheet. Does anybody have any questions on that information? One thing, there is an annual report that is supposed to be filed with the Department for Local Government called the Uniform Financial Information Report commonly called a UFIR. This report has to be filed timely in order for the City to continue getting its road money and its LGEA money. That report was filed today. I got an acknowledgement back from the Department for Local Government that they have received it and the three signed hard copies were mailed registered mail return receipt requested. Bernie Brown: When is Smith going to have the annual Audit presented? Mr. Ryan: They are working on the draft now. Bernie Brown:

Well I know they have been working on it; have they given you a day as to when they are going to present it? Mr. Ryan: They have not given me a date yet. Bernie Brown: Doesn't that need to be done before the UFIR is filed? Mr. Ryan: No. The UFIR has similar information as the Audit but it's completely different format and different financial questions are asked. One is not tied to the other.

City Attorney Walt Sholar: I've got several matters that I would propose to suggest to you that you go into Executive Session to discuss pending litigation, one matter concerning potential litigation, and a personnel issue.

Mayor Hockenbury: Randy is finishing up his term and this is a Certificate of Appreciation that we made on line with no taxpayer money. **Randy Hammond:** No speech. Just thank you all so much for letting me serve for two years. It's had its ups and downs of course we've had a rough time with a few situations but everything is on the right track I feel confident in the new administration, the Mayor and Walt that everything is going in the right direction. So Merry Christmas and thanks a lot.

Gloria Taft: Chief, Mayor, Code Enforcement, somebody, what can we do about the burned out house that is on the corner by the football fields and the old water plant? That house has been sitting vacant for over a year; now it's not even secured people have ripped the boards off of the doors and we're going to be having undesirables in there if something doesn't get done with this house. Who can we assign to get this house raised? City Attorney Sholar: We've got a Code Enforcement Officer. Myra Minton: The problem on these houses that are dilapidated the City Council had to vote that we would take litigation and get some order in Circuit Court and force them at that point to have a Circuit Court trial date to tell them that they have to demolish the structure. If they refuse to demolish the structure then we would ask for a judgment by the Circuit Court Judge to do that and then file liens on the property which is what we did on two houses year before last. Dana Bischoff James: Would you notify the owner prior to that step? Myra Minton: Yes. Gloria Taft: Will you please Mayor have Officer Minton give the necessary notice so that we can start that process. Alpha Way is on track. The cul de sac connection from Buffalo Run to Alpha Way so that people can get to the new light will be open and drivable before the end of construction season so that the youth that are leaving the college can safely exit onto 480 which is why we started talking about the sign directing traffic that way because no one is used to doing it but that is a big expense. Let's explore some options before we start spending that much per month on a sign. One of the new companies in the Industrial Park has contacted me; they have employees that would like to donate service hours to local charities. So if you have or are a part of a local charity please contact me so that I can get your charity's name to this group of 40-50 people that would like to donate their hours in our Community to help those in our Community. Myself, the Mayor and a couple of the new Council are going to be attending KLC training this week and more KLC training in January which is a good thing because you can never have enough training. One of the local churches took \$10,000 worth of donations down to the flood victims in Louisiana. They did Christmas gifts to little children that were going to have absolutely nothing; so we've got one of our churches that are donating even outside of our Community to help make sure little children are served and that the gospel is spread and I think that is just awesome. I want to welcome the new Council on board. You've all been here, it's been kind of a crazy ride this year and maybe the next two years might not be so crazy but it will still be fun and I look forward to working with each and every one of you. And to everybody here Merry Christmas.

Mayor Hockenbury: Bernie I have a Certificate for your service. Bernie as well as a former Council member is a former Mayor from Fox Chase. Thank you for your service. **Bernie Brown:** I'm not going to give a big speech but I would like to say I sincerely appreciate the support that I've had, the confidence that so many people have shown, the comments that have been made; we've had some real challenges over the last six years that I can honestly tell you that I am more optimistic right now than I've been in a long time because we have a good man as Mayor; he's honest, he's a man of integrity; we've got some good Council members coming in too to continue and I'm sure they will build on and make a lot of good progress in the months ahead. I want everybody to know I deeply appreciate the support and I wish all of you a Merry Christmas and I hope that you come out to the Council meetings pretty regularly. I still live here in Shepherdsville, I pay taxes here in Shepherdsville and I'm concerned about the future of Shepherdsville and I do plan to be here checking on you Mayor and the incoming Council people. We're going to have to keep them all

straight. Even those who did not win in the election, I still appreciate the unselfishness and the time that they spent. It's a job to get out here and work to be elected. I highly commend all of you for doing it whether you won or not. I would also like to ask if the newly elected people can be invited back into our closed door session. I've been thinking about for three or four years but have never really pursued it but I think now might be a good time too; and I have checked on it with the attorneys at KLC, some three or four years ago, the County and the City can have a combined ethics board and I would like to make a motion that you Mayor pursue and investigate the possibility/feasibility of doing that with the County Judge Executive and Fiscal Court in arranging to see if it could be worked out that we can have a joint ethics board. A Kentucky League of Cities attorney told me some three or four years ago that there is already a County and a City in Kentucky that is doing that very thing. I think it can be worked out with Mr. Sholar and Fiscal Court but I think that would be a good thing to do; it gets more people on the Board. I think it would give maybe more integrity and objectivity to the ethics board. Mayor Hockenbury: You think that would change the number of members. We currently have one but I appointed two more yesterday that I'll ask for the Council's approval for ours; but I wonder if the County and the City if they join would have more members on there instead of just three. Bernie Brown: The County has three right now I believe on their board and the City has three. I think that is something that can be worked out. I think it should be an odd number though. Dana Bischoff James: What is the benefit of it? Bernie Brown: The benefit is that you've got a larger board, more people involved, and sometimes it's a little hard to get volunteers anyway. This way the County and City could work together. It doesn't cost the County or the City any more money. So I would put that in a motion that we authorize and ask the Mayor to investigate the feasibility of doing that. Randy Hammond 2nd. City Attorney Sholar: Here is basically what you are going to have to look at doing to do that; the motion as I understood it was for you to check with the County Judge or Fiscal Court to see about combining. Per KRS 65.003 which is the Interlocal Agreement Act, you could have a combined Ethics Board but you can't have differing ethics Ordinances. To do that you and the County or whoever enters into that Interlocal agreement with are going to have to have the same language in both of your Ethics Ordinances which would entail you're going to need to amend or repeal and pass a new Ethics Ordinance other than the one you currently have. Mayor Hockenbury: We have a Board now that has had only one person on it; I just found two more nominees to put us in compliance and I was going to bring them to the January 10th meeting to have the Council vote on their nomination so I don't see we have to go with the other because we'll be in compliance then. I didn't like it because we were out of compliance with the Ethics Committee. So we have an Ethics Ordinance and as of now we have two more members. Bernie Brown: I'm just suggesting that you investigate with Fiscal Court and the Judge Executive, the City Attorney, and County Attorney the feasibility of doing such a thing. If the decision is made later is made to do it it would take time to implement. Mayor Hockenbury: And I would continue with the new Council too. There has been a motion and a second for me to look into that. Dana Bischoff James: Do we have to make a vote for you to speak to people though? City Attorney Sholar: You don't have to take a vote to allow for him to do that but if the City Council is directing that he do that and take away the Mayor's discretion as to whether to do it or now, yes you have to. Dana Bischoff James: I would feel more comfortable to leave it up to your discretion at this point and if the next Council so desires then pursue it. Bernie Brown: I think that would be exactly the way it would work Dana. Dana Bischoff James: I just don't want to say you have to go do this. Randy Hammond rescinded his second; Bernie Brown rescinded his motion however would like the record to show that I am asking the Mayor to investigate it with Fiscal Court, County Judge Executive and the Attorneys involved. Mayor Hockenbury: I'll look into it to see if it is feasible and I'll continue to mention that to the next Council too. I'm not going to rescind the nominations that I made because I want to be in compliance with the Ethics Board in case there is any ethical activity with me or this Council or any employee. I just wanted to say that for the record.

Mayor Hockenbury: This is for her tireless effort and dedicated service to the City, Dana Bischoff James. Thank you very much. **Dana Bischoff James:** The first thing that I want to express and be very excited about we have all six members of the next Council here. I would like to acknowledge you so if you all would stand please. I do want to encourage to pray for those members; for all government officials that God gives them the service, discretion that they make wise choices for our City because the decisions made here does impact the future and again it's exciting just to see the unity of people showing up. Merry Christmas, remember that Christ Jesus being born is the reason for this holiday season. Spend lots of time with family and friends and Happy New Year.

Mayor Hockenbury asked for a motion to adjourn to Executive Session. Gloria Taft made motion to adjourn to Executive Session. Bernie Brown 2nd. Motion carried 4-0-2 absent

Dana Bischoff James made motion to return to Regular Session. Randy Hammond 2nd. Motion carried 4-0-2 absent. Mayor Hockenbury stated there was no action taken in Executive Session. Dana Bischoff James made motion to give the Mayor the authority to handle the case with South East Bullitt and to proceed as he sees fit with our Attorney Walt Sholar. Bernie Brown 2nd. Motion carried 4-0-2 absent.

Dana Bischoff James made motion to Adjourn. Randy Hammond 2nd. Motion carried 4-0-2. Meeting adjourned at 7:58 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk