

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, April 10, 2017**

Pastor Mike Miller, Family Day Ministries delivered the invocation.

The Pledge of Allegiance was recited.

Council members present: Gloria Taft, Mike Hibbard Sr., Lisa Carter, Donna Burke, Stacey Cline and Bonnie Enlow.

Mayor Hockenbury called the meeting to order at 6:30 p.m.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 3/13/2017 Regular Meeting. Donna Burke made motion. Gloria Taft 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 3/13/2017 Regular Meeting. Stacey Cline made motion. Bonnie Enlow 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 3/17/2017 Special Meeting. Donna Burke made motion. Gloria Taft 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 3/17/2017 Special Meeting. Gloria Taft made motion. Stacey Cline 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 3/27/2017 Regular Meeting. Lisa Carter made motion. Donna Burke 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 3/27/2017 Regular Meeting. Donna Burke made motion. Lisa Carter 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 4/4/2017 Special Meeting. Gloria Taft made motion. Stacey Cline 2nd. Motion carried 5-1-0 (LC).

Mayor Hockenbury asked for a motion to approve the minutes as written from the 4/4/2017 Special Meeting. Bonnie Enlow made motion. Donna Burke 2nd. Motion carried 4-2-0. (LC, MH)

Old Business:

City Attorney Sholar had second reading by Summary of Ordinance 017-226 an Ordinance adopting a Personnel and Pay Rate Classification Plan for City employees and nonelected City officers. Bonnie Enlow made motion to approve. Donna Burke 2nd. Discussion followed. Gloria Taft: In lieu of the new changes that we got and Walt's letter about this, number six on Walt's letter to the Council and Mayor notes that some of the salaried positions the verbiage salaried has been removed because it was in line with Section two which says hourly. Are we going to have to pay overtime to people because they are in fact being switched from salary to hourly? City Clerk Richmond. They are not being switched. According to Tim White. Mike Hibbard: Words mean things. Gloria Taft: I'm just asking for clarification because if we move the City Clerk to an hourly rate per section two and we've stripped the word salaried from section seven, is that person then an hourly paid employee or a salary paid employee? City Attorney Walt Sholar: It is my belief based upon my experience with wage and hour people which I have not dealt with them in several years now but the last time I did if you set somebody's compensation at an hourly rate they are paid hourly and they would be entitled to overtime. Gloria Taft: Is there a new law that says if someone makes \$47,000 that they have to be a salaried employee? City Attorney Sholar: I'm not aware that somebody has to be a salaried employee. You can make somebody a salaried employee but you can also have somebody that's making over \$47,000. There is generally 2080 hours in a year if you have a 40-hour work week and there are multitudes

of people out there making an hourly rate above \$47,000 a year and they are paid by the hour. Mayor Hockenbury: If you make \$22.59 or less you can't be a salaried employee beginning in 2017. Mike Hibbard: That was my understanding of the intent of the law because there was a lot of people at a lower salary and they were topping it off and calling it salary even at \$25,000. Donna Burke: Should we have on anybody that we've designated as salaried put their range as a yearly or annual figure rather than hourly rate. City Attorney Sholar: I would think you should because if you want people to receive a salary you state that they are to be paid a salary; if you want them to be paid on an hourly basis then you set out that they are paid on an hourly basis. If they are paid on an hourly basis and they work over what the wage and hour folks set out then they are entitled to receive overtime pay. Donna Burke: Would the way to correct that be to if they are salaried to change that on section two to actually show an annual amount on both of those? Bonnie Enlow: Who all is salaried? City Clerk Richmond: City Clerk, Controller, Computer Systems Specialist, Human Resources Manager, Public Works Foreman, WWTP Superintendent, Collections Supervisor, Fire Chief, Assistant Fire Chief, Fire Major, Police Chief and Major. Bonnie Enlow I need to amend our motion to approve this with changes that we have instructed the City Clerk to make to salaried positions. Chief Troutman: Listening to Walt read the Ordinance it has our old pay scale; the numbers aren't changed. Changes are just for the Captains down. Bonnie Enlow: I would like to make a motion to approve with wage changes to the Fire Department pay scale and to change the hourly rates to salary on positions that are already salary. Donna Burk 2nd. Motion carried 5-1-0. (MH)

Mayor Hockenbury stated the next item on the Agenda was approve the hiring of Arthur Jones as City Engineer. He doesn't need approval because he is an actual employee. Donna Burke made motion to strike the hiring of Arthur Jones as City Engineer along with the next item to approve John Bradley's transfer to Code Enforcement Officer be struck from the Agenda since neither one need to be approved. Bonnie Enlow 2nd. Motion carried 6-0-0.

City Attorney Sholar had second reading by Summary of Ordinance 017-227 amending Section 13 of the Shepherdsville Stormwater Quality Management Ordinance, #012-100. Bonnie Enlow made motion to approve. Donna Burke 2nd. Motion carried 6-0.

City Attorney Sholar had second reading and asked for public comment on Ordinance 017-228 requesting rezoning 0.42 acre, more or less, owned by David B Thomason from R-3 to B-2 located at the corner of Abbott St and Highway 44 West. Gloria Taft made motion to approve. Donna Burke 2nd. Motion carried 6-0.

City Attorney Sholar had second reading and asked for public comment on Ordinance 017-229 requesting rezoning 2.77 acres owned by Thomas B Givhan from R-3 and B-1 to B-1 located at 258 W. Blue Lick Road. Donna Burke made motion to approve. Stacey Cline 2nd. Bonnie Enlow: Mr. Givhan since you are going to be putting these in a flood zone have you made plans on how to convert that water? Did you have an engineer look at that? Mr. Givhan: Yes ma'am. City Attorney Sholar: Mr. Givhan if I may and as an Officer of Court and if Mr. Givhan would prefer not to be sworn I think as an Officer of the Court he is allowed to give testimony before this body because he is an Officer of the Court recognized by the Commonwealth of Kentucky as being a licensed attorney; however general speaking if anybody wants to speak on behalf or against any zoning matter they should be sworn. City Attorney Sholar swore in Mr. Givhan to give testimony on his request. Mr. Givhan: It's not all in the floodplain. I couldn't get anybody's help certifying that to me as to what is in and what is out of the floodplain. We're going to have to have the approval of the State Highway Department as to how much water we have to hold in detention to let it out so it does not overflow the ditch. I'm going to call on you to go to the State and ask them what they are going to do about cleaning out that ditch between me and the creek down there. Now they walk in and tell me I have to hold this back because they won't clean their ditch out. Also, if you have more than an acre of earth disturbed you have to get a thing from the Water Department at the State about how you are going to have retention. Mayor Hockenbury called for a vote. Motion carried 6-0.

New Business:

Mayor Hockenbury asked for a motion to approve a Parade Permit for the Bullitt County YMCA 5K race on Tuesday, July 4th starting at 8:00 a.m. Justin from the YMCA was present to answer any questions the Council may have. Gloria Taft: Have you checked with the Police Department to make arrangements for street closures, etc. Justin: The last 3 years I worked with June on this and I was waiting to get it approved first then was going to go to the Police Department. Gloria Taft made motion to approve. Stacey Cline 2nd. Motion carried 6-0.

Daryl Lee, Planning & Zoning Appointee: No report

Duane Price, Board of Adjustments Appointee: All we had at Thursday night's meeting was Bojangles Restaurant that is going to locate at 544 Conestoga Parkway.

Sign In Speakers:

Don Olson: I've got two problems: One, parking on the street and the major one is basketball hoops. They already cost me \$3000 worth of damage that's on the City's property, the hoops over it in Dogwood Subdivision. Lisa Carter: Your subdivision is not the only one; Oak Grove subdivision ... Mr. Olson: But I'm the only one that's had damage to a vehicle because I drive a truck and trailer and it's catching all the hoops; then the kids don't get out of the way. The subdivision hasn't got the responsibility that falls on the Police Department which is City property. That and where the hoops are is 4 feet on City property. Mayor Hockenbury asked Tom LaFollette to make sure there are No Parking signs there so the police can enforce that. Mr. Olson: What about the hoops? John Bradley: There is no Ordinance on the books that deals with basketball goals. Mr. Olson: The nets overhang in the street and my vehicle had to cut the trailer down so it don't catch the nets and now they have the things lowered down for little kids; I've had one come over and break a \$2000 piece of metal on the side of my trailer because the wind blew it over. This last wind storm we had there were 3 of them laying in the road. Like I said 4 feet from the curb is still City property.

Larry Thompson: I'm a member of the Dogwood Run Homeowners Association Board and we just had our annual meeting last week. We got numerous complaints that I think needs to be addressed to the Mayor and Council. First of all, I wrote this before I knew you had a Code Enforcement but this is either for Code Enforcement or a Police matter. The gentleman before me just discussed the basketball goals; we had quite a few complaints on the basketball goals and the problems they are having; kids are playing in the streets, when cars come they don't get out of the way they curse the people that's driving, we need to do something about this type of stuff. They are also playing basketball in the streets after 10:00 at night and that's causing a lot of problems. We get all these calls and these people are complaining because they have to get up and go to work the next morning. We just want to know if you're going to start enforcing the curfew because I know we've got a curfew but I don't think it's being enforced and I think that's something that we need to look at because we've got a lot of problems with kids late at night roaming the streets. We need something done about that. We also have a problem with speeders in our neighborhood. We've requested a three way Stop of Reichmuth and Lakes of Dogwood and I've been told today that they are not going to do it. Well we've got a lot of people that requested a Stop sign to at least slow some of these people down. We also have problems with the speed bumps. We've asked for them to be painted. They still haven't been painted. People can't see them when they come up on them. We also have a problem with junk cars, tall grass, mattresses laying around on people's property, we've called and called and called and everybody passes the buck. We need some kind of enforcement that is going to take care of this type of stuff. We also would like to know that when people call Dispatch that our calls will be acted on. We had one recently that was not acted on; I thought that Dispatch was supposed to pass every call on to the Police. That's one thing I think we also ought to address. Last, I read the paper today and I see that you all decided to keep the Community Center. Everybody at our meeting wants you to keep the Community Center and we also would like to see that you let the Boy Scouts have the Community Center when they need it free of charge.

Bradley Terry: To start with I'll give a compliment, I'm a transplant from Ohio; I've been in Kentucky for about 10 years, Shepherdsville for about 3. I do see positive steps this City is taking in the right direction. It makes me a little bit happier. There is lots of work to be done, yes, but previous administrations, current one now, I do see the stops and I think there is probably, not everybody here but, a lot of us citizens appreciate that. So, I want to thank

you. I would like to also second and third Larry and Don's complaints about Dogwood. Basketball goals awful yes, they are meant for driveways not for City streets; they do cause problems with kids. We have a lot of first responders that live back in the neighborhood too; they have lights on and roll out fast, kids aren't moving out of the way and I just think that's a huge issue of liability that could be a problem. Also damage to City vehicles, what if these things get caught in snow storms, get knocked over, vehicles hit them. I just think it needs to be addressed yes. Could we possibly amend the Code to include the easement that the City has from the sidewalk for basketball goals and anything that overhangs. Mayor Hockenbury: We currently have two nuisance Ordinances that we are working off of and I've asked the Council to work on this to tweak the nuisance Ordinance to address the problem of basketball goals. That's a high priority on the list right now. Mr. Terry: We have a problem with cars parking in the street and I think about 1-1/2 years ago Code Enforcement went through maybe twice and cleaned it up for months. I think once maybe a quarter run through and everybody will get on book and we'll be fine. Mayor Hockenbury: We have a guy that does that full time now; his sole job is Code Enforcement. Mr. Terry: It's more of an issue that I'm just terrified that something is going to happen to one of these kids or they are going to do something to destroy people's property because I know that people will get upset and when they say something to a kid and the kid goes I got a ball in my hand I'll slam it against your car door and now you've got a huge issue because they shouldn't have been out in the street anyways.

Larry Thompson: On parking in the streets will you distinguish how they can park on the street. Can they have two wheels on two wheels off or not any parking at all? Is it going to be Code Enforcement or it is going to be Police policing this matter? Mayor Hockenbury: It will be the Police for parking on the streets. There will be no parking on the street at all.

Mike Hibbard Sr.: Tom, we've been talking about your Public Works building, and the majority of the problem as far as water being the roof. Has anybody gotten any bids on doing the roof: Public Works Foreman Tom LaFollette: We've had two different folks out to give us pricing. Mike Hibbard: When do they think they might have something? Mr. LaFollette: They said within a couple weeks and that was last week. Mike Hibbard: I know you also mentioned hot water issues, comes and goes, and the restroom. What in your mind do you think it would take to fix those two items? Mr. LaFollette: Our electrical panel is dated 1953 in our building. Apparently, it simply does not have enough power when there are a lot of things on in the Shop and it kicks the breaker. Mr. Hibbard: So, when you are running everything you have more demand inside that what you are capable of; by how much, any idea? Mr. LaFollette: No. The problem is you don't know it's happened until you need hot water to wash your hands. Mr. Hibbard: The thought went through my mind that some of this stuff may be; I know the roof not but there may be a couple little things in there that you guys with the materials can go ahead and take care of. Mr. LaFollette: Absolutely.

Lisa Carter: I would like to thank the folks that came from the subdivision; I did have that on my list tonight to ask about the basketball goals. I was going to see if anyone had checked into that. So, Beech Grove Road is still on schedule for May is what's I've been hearing. Scott Fleming: That's what we are being told. Lisa Carter: I was wondering if Gayla and Bob went to Bardstown to look at their software programs down there. Bob Ryan: I was supposed to get a call from them and I have not.

Donna Burke: Traffic Study Committee did not meet again this evening; that meeting will be scheduled when the design has been completed. They are supposed to let me know so we can get that scheduled. And I enjoyed the first of five days of doing a Junior Achievement Class at Shepherdsville Elementary today and discussed with them some of the issues that the Council had on the Boy Scouts so they could understand what happened within the City.

Stacey Cline: Tom, what's going on on Old Beech Grove Road about the potholes in the road in front of the apartment? Mr. LaFollette: Unfortunately, we're really not sure. What we think is happening at this point, we think there is water coming under the road from the railroad tracks and it's washing that out. What we've done is create a bit of a berm over there to keep the water that is coming from 2M from running across the street. We have roughly five single axle dump truck loads of material in there and it's still sinking. We may have a sinkhole and end up having to cut up the road to figure out exactly what is going on. Stacey Cline: I know the actual property owner didn't talk to the Mayor but if you all will, somebody let me know what's going on because he contacted me. Mr. LaFollette: Is that not the gentleman that lives there? Stacey Cline:

Mr. Mitchell is the one that lives there; Mr. Watkins daughter is married to Mr. Mitchell's son and they are concerned about their grandkids falling in that hole. When I went over and took pictures I'd be concerned too. So, I want to make sure if he contacts me again that I know what's going on. Mr. LaFollette: I speak to the gentleman that lives there at least once a week; sometimes twice a week. But I have not spoken to the other folks. Stacey Cline: I have several things for John, I will give him.

Mayor Hockenbury: You have a report from Code Enforcement on what he's generated since he was put in the position to check on business licenses and the nuisance Ordinance, he's generated \$3551.98. Mike Hibbard: John, on this revenue you helped create was that existing businesses and delinquents? John Bradley: There are some that never had a license. Mike Hibbard: Can someone briefly tell me what the process is from step one through to where you will know they will or will not. John Bradley: I ride around and look for them; if I see someone I've got a master list of those who have businesses; if they are not on the list I give them a 10-day notice of violation. They've got 10 days from that to pay their business license. I could go further with a citation or if they need more time we will work with them. Mike Hibbard: Are they required to have something posted in a window? John Bradley: They are required to keep it on hand at all times.

Tom Givhan: I was told to have a street taken over by the City you have to come and ask. Salt Well Drive between Highway 44 and Blue Lick Road; half of it is in the City and the other half isn't. I would like to have the City take over that road. Mr. Poe had the road rebuilt and the City wanted to wait until they saw it for a year to see if they would take it over. Mayor Hockenbury: If the Council wants Public Works and the Engineer to go over there to survey it then we can take it over if it's up to City specifications.

Donna Burke made motion to Adjourn. Stacey Cline 2nd. Motion carried 6-0. Meeting adjourned at 7:30 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk