

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

Pastor Tom Elbert, Divine Savior Lutheran Church gave 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 6:33 p.m.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 6/26/2017 Regular Meeting. Bonnie Enlow made motion. Donna Burke 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 6/26/2017 Regular Meeting. Bonnie Enlow made motion. Stacey Cline 2nd. Lisa Carter, Stacey Cline, Bonnie Enlow brought up items that were left out of the minutes. City Clerk Richmond explained that only items voted on have to be in the minutes. Donna Burke brought up that if a question is asked and put in the minutes she feels the answer should be in the minutes as well. She voiced her concern that if one portion of the minutes were verbatim the rest should be as well. Lisa Carter stated she feels like if figures are discussed the citizens should be informed and personally thinks they should be in the minutes for anybody to get a copy should be word for word when dollar figures are discussed. Donna Burke also stated if something was requested and the minutes do not reflect the answer received there is no way to look back on the minutes to see if the answer was given. Donna stated the issue is if we ask something and the answer is given and it is not included in the minutes there is no accountability on the person answering the question because it's not reflected in the minutes. Donna Burke asked if she could amend the motion that has been made before a vote. City Attorney Sholar stated it would not be appropriate to amend the motion but you can move to amend the minutes. Donna Burke: Moved to amend minutes to reflect what actually transpired before they are approved. City Attorney Sholar stated if somebody desire the minutes to be amended they need to say to put other stuff in in. We would like the minutes to reflect the answers given to the questions asked. City Attorney Sholar stated everybody may want to look at KRS 83A .060(8) that Statutes deals with minutes of City Council meetings. Also, 83A.130(11), 83A.140(7), 83A.150(4). The City Council can by Municipal Order determine how minutes of a meeting should include and not include. If you don't do it by Municipal Order it is left to by Statute what has to be in there and what has to be in the minutes are votes taken because City Council's only speak through the minutes. The City Council has the authority to request sworn statements from City employees as to what they are doing in terms of conducting an investigation; that would be the City Council doing that and not individual City Council persons. Technically if people have a difference of opinion on how things should be done falling back to the Statute it would be not it's not by Statute a Council Person does not have authority to question members of the audience; city employees; or so forth. They can ask questions of the Mayor; discuss amongst the Council people whatever they want to discuss but by Statute not and when somebody makes it the Council votes to determine to conduct a query of a person that works for the City. The Council as a body has the authority to direct that City employee to provide a sworn statement in response to whatever questions the Council has is how it is all set up (KRS 83A.130(13). This is not a quote but the Council may investigate all activities of City government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of their official duties. If an office, department or agency under the jurisdiction of the Mayor is involved written notice of the Council's actions must be provided to the Mayor who has the right to review any statement before it's submission to the Council and to appear on behalf of the office, department or agency in the course of the investigation. Under the Mayor Council form of Government, the total executive authority of a City lies in the Mayor's office. The Mayor is the presiding officer of the meeting and if it suits the Mayor for questions to be asked of the people that work with the Mayor that's fine. Donna Burke asked if a Municipal Order is what needed to be done to accomplish what we want to be included in the minutes. City Attorney

Sholar: You all can vote on a Municipal Order that lays out what should be in there. If the City Council decides it wants the minutes to reflect verbatim every word spoken in the meeting I think you all can do that. You'll need to take steps to have it transcribed that may be the Clerk or maybe a Court Reporter. Donna Burke: Can it specifically say in our Council Reports because that is where we are asking our questions can we say we want that part verbatim. City Attorney Sholar: I think you are wide open to do it the way you want to do it. Donna Burke made move to have a Municipal Order that will reflect verbatim the questions and answers that are raised during the Council report section of the meeting. City Attorney Sholar: This is not the appropriate time to make that motion. A motion to amend the minutes is appropriate within the discussion on approving the minutes but to establish an order of how you are going to have minutes henceforth cannot be done. Donna Burke: Asked if the motion, since it has to be specifics in the tape, can my motion to amend the minutes so that they actually reflect the questions and answers during the Council report section. City Attorney Sholar: I don't see anything forensically wrong with that however I have to defer to your Clerk because she is going to have to redo the minutes to some point and are you going to be able to remember what you said and whether it's in there or not. Donna Burke: I think each of us can remember what we said. Bonnie Enlow: Stacey and I were on the Council many years before an we never got this detailed; Tammy is right. Stacey Cline: As a Council, we just need to take better notes of what each one of us say. Bonnie Enlow: What I would like to ask Tammy is if we ask an important question would you include that. To require her to type every word we say, she doesn't have time for that. I think the most important stuff needs to go in the minutes and she don't have to write a book every month. City Clerk Richmond stated if you all would have just called me after you read the minutes we wouldn't have had to talk about this for 30 minutes. I could have had it done and we could have gone right on with the meeting. If you would just call me, or anybody out here with a question we can answer before the meeting you're going to take time off the meeting that we don't need to spend if you can get the answer to your question without going through all this. My opinion. Motion carried 6-0. Gloria Taft: Can we table approval of the minutes until the next meeting? Mayor Hockenbury: We'll table this and she can revise them. City Attorney Sholar: There is a motion on the floor; you can make a motion to amend the minutes within the motion to approve the minutes but if the motion to approve dies you vote no. Then it would be appropriate to make a motion to table the motion to approve the minutes. Bonnie Enlow: Do you all want to table it or approve it and move on. Donna Burke withdrew her motion to amend. Vote taken 6-0.

Old Business:

City Attorney Sholar had first reading by Summary of Ordinance 017-234 an Ordinance authorizing the issuance of a General Obligation Development Revenue Note, Series 2017 (Road Project) in a principal amount not to exceed \$3 million to acquire, construct and rehabilitate certain roads in Shepherdsville. Second reading will be July 24th.

New Business:

Discussion on approval of notice of Request for Bids for exclusive franchise for collection and disposal of garbage and refuse in the City. Gloria Taft made motion to approve. Bonnie Enlow 2nd. Motion carried 6-0.

Daryl Lee, Planning & Zoning Appointee: No report

Duane Price, Board of Adjustments Appointee: No report

Sign in Speakers:

Norma Henderson: 291 Jade Drive, The Pointe: Addressed the Council with questions regarding drainage in The Pointe. Questions included funding for drainage issues, if funding was available and if not when it would be and procedure for getting funding. Arthur Jones: Discussion over the last few weeks between the Mayor and Department Heads is to come up with a matrix to make decision what projects need to go first; which are most crucial for infrastructure; who will benefit; how it will impact community; all that information we are trying to take into effect. Is the money available now, I'm not sure; depending on your project and where it will rank among the rest of them we don't know. Right now, the matrix is being developed so when we get ready to rank all these projects a project that affects 10,000 people will be much higher than a project that is going to affect 2 people, so on and so forth. We are in the process of ranking projects; once

that is done we want to get that out to everybody so that everybody understands where we are, what we've got and come up with a plan going forward as to who we are going to address. Mayor Hockenbury: What is as estimated timeline for that matrix? Arthur Jones: We're not trying to rush it. We initially thought we were going to hurry through this in a couple weeks and try to get a matrix together really quick but as we got into it on a staff level we started to understand that a lot of these projects intermingle. Mrs. Henderson: Until those decisions are made is there anything that can be done temporarily to take care of drainage issues until we get the matrix done and funding to get it permanently fixed. Mayor Hockenbury: If there is any drainage that we can work together with the City and clean out with a rake or hoe that would help some. We are going to try to educate people while we're working to solve this problem. Mrs. Henderson asked for a copy of the engineer's findings as well as a letter she wrote to the Mayor for her records. Mayor Hockenbury: Yes, we will inform you.

Bonnie Enlow: Questioned whether it was a requirement for Department Heads to attend meetings. City Attorney Sholar: State law does not require that. The Mayor can require it. They work for the Mayor. If the Mayor tells them to be somewhere at a certain time. If he said don't come to City Council meetings they would not other than as I said earlier the City Council has the authority as a group to issue an order to investigate certain things and you could say I want this person to be here so they can answer questions under oath. Bonnie: Does the Mayor have the right to tell employees not to speak to the Council? City Attorney Sholar: The Mayor would have the right to tell his employees not to speak about City business. He does not have the right to tell a City employee not to speak to the City Council. The Mayor does have the authority to direct City employees when they should discuss City business. Bonnie Enlow: If employees are having issues with how they are being treated, do they have the right to talk to us if they feel like they are not getting help from higher ups? I've got employees with claims of being bullied. City Attorney Sholar: The proper place for that would be to file a complaint with the Civil Service Commission. That's where it will get somewhere. If said employee says they are being bullied and they talk to me, I have no ability to do anything about it. I'm not sure anybody else here does including the Mayor other than to complain about it. The Civil Service Commission has that ability. The Mayor does somewhat and if somebody did come to me and they complained to me about being bullied I could go file a complaint with the Civil Service Commission; you could go file a complaint with the Civil Service Commission; the Mayor can file a complaint with the Civil Service Commission but it's not going to get anywhere if they don't. If someone comes to you and says I'm being bullied, you would then in conjunction with your other City Council members determine that we are going to investigate then start having City employees give sworn statements as to what's going on. You as a body have that right. Bonnie: The employees won't talk to us now because they have been told not to so how do we help them solve their problems when they are told not to speak to us? I've been told this by many employees, not just one or two. City Attorney Sholar: Legally you don't have any ability to fix their problem. That's an employer issue and City Council's aren't the employers. The Mayor is. Bonnie: We want to help direct them in the right direction; that's why they are coming to us because they are afraid of repercussions. Mayor Hockenbury: Who are they afraid of? Bonnie: Department Heads. Lisa Carter: Do they have an open-door policy with you Mayor? Mayor Hockenbury: Yes always. I haven't had one complaint. Bonnie: They don't feel like they are going to get any support from you. They feel like you'll support the Department Heads no matter what. Mayor Hockenbury: I haven't appointed any Department Heads other than Arthur and the Chief. Bonnie: You did go and tell them not to talk to us, right? Mayor Hockenbury: No, that's not true. Bonnie: If they did talk to us they were supposed to call and let you know what we talked about. Mayor Hockenbury: I told them to let me know; there is a clear separation of powers between the Mayor and Council, that's a KRS. The door is open for the Mayor of Shepherdsville's office. Stacey Cline: I think the Mayor and Council were all put on here to work together and I think there is a communication problem. I've had several employees call me and I feel like Bonnie does; as the City of Shepherdsville you all voted for us we get questions, we're not getting answers. I want everybody to know that. We as a Council are trying to do our job but I don't feel like the things I bring to this meeting are getting accomplished. I say everybody try to work together and do what's right for this City to move it forward. We're not moving forward. I bring up the same things I brought up in January and they are not getting accomplished because the same people for 5 years were not doing their job and are never going to do their job and if we as a Council do not work together to move this forward we're never going to get this City moving in the right direction. We do have six good Council members and a Mayor that want to move

this City forward. I say everybody works together, the employees, Council and Mayor and try to move forward. The workers are going to have to change. Bonnie asked Bob if the accounts had been started for the Fire Department and Public Works? Bob Ryan: Not yet. I've got the accounts pretty much balanced and know where I am and will be able to probably this week. I will be in a better position to know how much I can set out; we decided on 1/12; I can have those things set up this week at the bank and get the Resolutions drawn up for the next meeting. City Attorney Sholar: Your question is absolutely right on target but in my opinion, and when Bob says, what bank do you want me to go to; he shouldn't be asking you what bank to go to, he should be asking the Mayor what bank. You should be telling the Mayor where you want the bank to be so that the Mayor can then direct his staff what to do. This is a concern that I have that there has been confusion for some time that the City employees have been confused as to who they work for. You probably could by Municipal Order say where you want to bank. Bonnie: It was brought to our attention that we need to amend the budget because at the time of doing the budget you don't have yearend carry over balances. Does the general fund now have an amount for carryover? Legally from what I understand we have to show a carryover on the general fund side. Bob Ryan: Will be able to furnish that number at the end of the month when all the financials are done. I'm trying to get the year end closing and the month end closing but I will have at the next Council meeting what I would determine to be a reasonable figure to say this is the carryover number. Bonnie: Do we want to make some kind of designation for that carryover? Mayor Hockenbury: Gloria approached me also; she said once we get that if we want to designate a certain number to the emergency cash fund or road fund. Once we know what it is we can, as a body, determine where it needs to go.

Stacey Cline: Asked Tom if he had list of roads to be paved and patched? Tom LaFollette: Gave the list to the Mayor. Stacey: Do we call you if people have called us to tell you who they are. Mayor Hockenbury: He hasn't ranked them yet. He's got a list that I will put in your box. Stacey: Bonnie asked for the applications for the Public Works opening. We never got a copy of that. Tom: That doesn't become public record until the Civil Service approves it. That is what Tom Rosselli told me. Stacey: Asked Arthur if he had worked on the contract with the Marshall's and the City on old Beech Grove Road? Arthur Jones: Yes. It is not complete and I'll send it to the Mayor as soon as I'm done. Mayor Hockenbury asked Stacey to also have the Marshall's contact him so he will know what is going on. Stacey: People come to us to ask questions. Mayor Hockenbury: Pass my information to them also so they can contact the right person. I need to know too. Stacey: Are you saying you don't want them to contact us? Mayor Hockenbury: They can just pass it on to me also. Stacey: Asked Bob if he and Gayla had gone to Bardstown to look at the computer system. Bob: No, we have not. In talking with other financial people in other cities they do so many other things that don't happen in Shepherdsville; billing for utilities, billing for taxes, licenses, a lot of things they have software that is more sophisticated. We don't have a lot of these. Stacey: You don't want to go look at it? Bob: At this point because the level of sophistication that a lot of these cities have is not needed. You would be paying for a level of software that you would not be using.

Donna Burke: I wanted to give an update on the Traffic Committee; we have not had a meeting for a few weeks because there is still behind scenes negotiations that need to take place. Arthur is on top of that. I wanted to follow up on the inquiry from Mr. Henderson; Arthur you directed me to have people contact the City so we won't be overwhelmed. I agree with passing the information on but I think it's our part to be the voice of the people to get these requests made to us and they need to be and then we pass that information along. I totally agree with you need to know about the stuff we get approached about so I'm going to make sure I do that but I think we still need to continue open communication with the community so they realize we are trying to take care of things for them. We are going to have our first Family Time Karaoke July 28th at the Community Center.

Lisa Carter: I had a question on why all other cities in Bullitt County had signatures on their budget and we do not. Is there a reason why ours wasn't signed in the paper? City Clerk Richmond: I don't ever send Ordinances to them signed. Lisa: Is it not an Ordinance if it's not signed? City Attorney Sholar: Ordinances have to be signed. City Clerk Richmond: It's signed in the official minute book of the City but not signed in the paper. I don't send Ordinances to the paper signed because I send them in Word format so they can cut and paste if they need to. Gloria Taft: Ordinances take effect upon publication. If it's not signed or vetoed in

ten days or returned to us it's legal. Lisa: Asked if Public Works had put a list of surplus items together. Tom: The only surplus item we have is the gate. We surplus items with the last Council that brought in approximately \$56,000. Lisa: Have you get the items from Alpha Way figured up. Gloria: He gave me the list and I have not yet put a dollar figure to it. Lisa: We haven't had a Beautification Committee meeting but I do plan to have another meeting in the next 2 – 3 weeks. We've talked to the State Highway Department District 5 as to what we can and can't do around the Interstate. Lisa asked Bob about assigning a line item number to the \$50,000 beautification expense. Bob answered anything that was in the budget that did not have a line item will be assigned one when the budget is entered into the software that shows budget versus actual.

Mike Hibbard: Tom you had a refund on some equipment on Gov.deals. Is that something you sold? Tom: We sold an item and we unknowingly to us we misrepresented it and the person that purchased it returned it, we refunded that and again auctioned it off and it is gone again. It was a set of skid steer tracks. Mike: On your profit loss report from May there is fuel charged but there were entries made that appear to be credited. Bob: That was a coding error; it should go against the Police Department's fuel. Mike: I think this appears to be in Public Works in May under contractor's fees expense there is an income of \$14,700. Also on the Council, I know some of the budget may be tighter this year than before but in the month of May we have Mr. Pile's payroll charged to that line. Should that be in Admin. Mayor Hockenbury: It should be in Admin. Mike: I know we've had some issues discussed tonight and I think I noticed particularly in this meeting there was not as much interrupting; people spoke completely and then went on to somebody else. I think if we're trying to make the minutes a lot more understandable that this will probably go a long way helping that situation. I want to thank everybody for that.

Gloria Taft: We've had some discussion about adding the garbage bill to the water bill. Have we moved anywhere on that yet? City Clerk Richmond: Tonya is not my contact anymore, there is a new gentleman handling that. I was in contact with him last week; sent him some information that he asked for. I'm waiting to hear back from him and hope that will be soon. Gloria: Thank you Arthur for getting me the Alpha Way inventory. I will be putting numbers on those and getting those numbers to the Council and public so you know how much excess inventory we have sitting around and hopefully with Arthur and Scott's help we can find a buyer for it or a place where we can use those items in the City on drainage problems. I got a call again about Dogwood drainage. I sent an email to Arthur who I will be forwarding at least parts of that email to some of the residents in Dogwood in hope to help move them along with that process. Do we have any reports about the forensic audit? Bonnie: I haven't gotten an email today. City Clerk Richmond: He was supposed to come in today but he canceled. He is scheduled to be here Wednesday. Bonnie: I talked to Bernie Sunday and so far of the \$10,000 they have only spent \$3000. He says they have found some things so there are some things to report but until they get everything finished they are not going to tell us what they found until they have everything together. Donna: I'm not accepting that. I don't want to wait until they get it totally done for us to have a justification to let it to keep on going. Bonnie: They understand they are not supposed to go past \$10,000. I understand your concerns on that but I still think as long as we stay within what we agreed that we were going to spend we continue. Donna: I sent an email, I did not get a response to, I brought it up to you because you are on the Committee as well and you were able to reach out and at least get some information which could have been responded back to me as well. I don't know why I was not responded to. I feel like we need to have something by the next meeting that gives us an indication that what they have found is something over and above what our regular audit brought to light so we don't look like we are spending the money recklessly. I understand the limit but I want to see that he is following through and looking at things; not waiting until today if that's the case. Lisa: What year are we looking at on the forensic audit? Bob: 2015-1016. Gloria: Mayor could you have a conversation with the Committee chair as to the feelings of the Council not having any communication, not getting any reports, obviously since it's a forensic audit there may be certain pieces of information that they don't want made public and I understand that but I think the Committee Chair or the auditing committee could be reporting to City Council the status or to you so you can present it to the Council. We are 8 months into this now and we've gotten two meetings that have been cancelled by the auditor. Maybe something has been found. It's good to hear they haven't spent much money but as City Council we are responsible for the money of the

taxpayers and we have no idea what is going on. Mayor Hockenbury: I encourage for these Committees to contact me or reach out and give us the status to keep us informed.

City Attorney Walt Sholar: I wanted to comment on Lisa's question about Ordinances in the newspaper. Gloria is correct. In a Mayor-Council plan it is not the Mayor's signature that is key to an Ordinance becoming law it is the publication. Sending it as Tammy has been doing is okay. What we do want to make sure in that regard noting the date that it was published.

Donna Burke made motion to Adjourn. Stacey Cline 2nd. Motion carried 6-0. Meeting adjourned at 8:08 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk