

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, MARCH 12, 2018**

Councilwoman Donna Burke 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

City Attorney Walt Sholar: Mayor Hockenbury is ill and unable to attend the meeting tonight and in looking what needs to be done there has to be a presiding officer to conduct the meeting. KRS 81A.130 relevantly provides that the Mayor shall preside at all meetings of the Council. The Council may set by Ordinance the manner in which one of its members may be selected to preside at meetings of the Council in place of the Mayor. Section 10 of that Statute says the Mayor shall not delegate the responsibility of presiding at meetings of the Council. Section 11 states the minutes of every meeting shall be signed by the person responsible for maintaining City records provided under KRS 83A.060 or by the Officer presiding at the meeting. Shepherdsville has by Ordinance prepared for this event and it is Ordinance #984-111 and it relatively provides in Section One when the Mayor is absent from the City of Shepherdsville or is unable to fulfill his duties provided for in KRS 83A.130(5) the duties specified therein shall be carried out by a Council Member. Section Two: Selection: The Council Member who shall act in the absence of the Mayor to carry out the duties of KRS 83A.130(5) shall be elected by the members of the City Council from within their ranks by a secret ballot. The Council Member receiving the majority vote shall be elected to fulfill this capacity. Section Three sets out the term of a Council Member selected to serve in this capacity shall exist until January 10, 1986 or until that elected official resigns from his position or the City Council. So, if there has not been somebody that carried over from a past group of Council people that have been elected the task that the Council has before them before you can proceed with any business tonight is to carry out a secret ballot to elect someone to preside over meetings. They must win that ballot by a majority of the City Council members; they are going to have to have a vote of four to win. You'll have to vote until such time that you get a person elected by majority or until you're tired of voting on it and say we're just going to go home tonight; one of the two. You have to elect somebody to serve and that person will serve until this Council is over with, i.e., until the next election for Council members and the next Swearing In of a new Council. After six secret ballot votes Donna Burke was chosen to chair the meeting as the Presiding Officer.

Presiding Officer Donna Burke called the meeting to order at 6:47 p.m.

Stacey Cline made motion to dispense with reading of the February 26, 2018 Regular Meeting minutes. Bonnie Enlow 2nd. Motion carried 6-0.

Lisa Carter made motion to approve February 26, 2018 Regular Meeting minutes as written. Gloria Taft 2nd. Motion carried 6-0.

Old Business: None

New Business:

City Attorney Sholar had first reading and public comment on Ordinance 018-255; request from RonJean Holdings LLC and Walene Holdings LLC to rezone property from B-1 Highway Business to R-3 Residential. The property in question is 2.569 acres, more or less, located at South Lakeview Drive listed in the PVA office as Parcel #045-SWP-02-031. **Attorney Eric Farris** was present on behalf of the applicant to give some background on this request. This property is on Lakeview Drive; you know it as the Lakeview Garden Apartments. In the front there is a storage facility. If you go down Lakeview Drive toward the river the area proposed to be rezoned R3 and it is for Town Homes. We already have the apartments in the back; these Town Homes are proposed to consist of 25 units on each side of a center pathway just on this 2.5-acre tract.

There would be a total of 50 units with two parking spaces per unit. This has already been reviewed with some of the City professional staff as far as the units having utilities available and that sort of thing. The units would be two-bedroom, 2.5 bath Town Homes with rent of \$950/month. I gave you a sheet with the proposed renderings of the front, rear and side elevations of the units and those give you an idea of the type of structure, it's probably going to be a siding; perhaps with some brick/stone mixed in. One and two story, the one story being more designed for handicap accessibility and ADA accessible. We went before the Planning Commission and secured a unanimous recommendation to you all that this should be rezoned from the existing B-1 business zoning to R-3 residential; the justification primarily being that it is adjacent to R-3 residential, the property is more suitable for R-3 residential and there is a demand for apartment and Town Home style homes here. **Bonnie Enlow:** It says a portion of the property is in the floodplain, can you tell me where? **Mr. Farris:** It actually is not. The property where these 50 units would sit are away from it. All the property that is owned by RonJean and Walene; it consists of more property than this, part of that does lie in the floodplain. These are further away from the river than even the apartments are. **Lisa Carter:** Looking at the other map it appears there is some property maybe someone else owns in behind that. I would assume that is some additional property that belongs to someone else before it gets up to the residents on Centerview Drive. **Mr. Farris:** That is also part of the property that they own but it's not subject to this development at all. What they want to build on with this request is just the area between the apartments and storage facility. **Gloria Taft:** Does the builder prepared to meet with the City to put up a bond? **Mr. Farris:** Bonding for road or ...? **Gloria:** Developments, building in general so that they don't just walk away and leave shells of buildings. **Mr. Farris:** I can tell you it is the same family that has the apartments and they have had that for a very long time and I've always heard good things about that management of those facilities. **City Attorney Sholar:** I don't know how appropriate it would be to be talking about bonds at this point on the development anyway because we do not have planned certain development here. If this gets rezoned to R3 and Eric's client's may have every intention right now of building this but if this is rezoned, they could sell it the next day and the next person that comes in might not want to build them to look just like this and there would be no requirement that do so. There wouldn't be anything to bond right now; we could say you have to agree to bond this or agree to build this in order to get the zoning because we don't have planned certain development adopted in Bullitt County. **Mr. Farris:** Not to long ago I was here with a B1 zoning that is on the part next to the interstate which we deemed inappropriate for housing there. That is more speculative for resale, this I can tell you they are ready to start work. The next step would be to develop a site plan that would have to have input from Arthur and all the folks here and approval at the County level then they have to get permits to meet your specifications so there is a lot to be done yet.

Daryl Lee, Planning & Zoning Appointee: No report

Duane Price, Board of Adjustments Appointee: Plans for a storage facility on 44 West. It extends from 44 to Blue Lick. Everything still has to be run by Arthur.

Sign in Speakers: None

Department Head Reports:
City Engineer Arthur Jones:

Council Comments:

Mike Hibbard Sr.: Need to talk with the Mayor about some line items going over.

Lisa Carter: Tom does the City of Shepherdsville own Conestoga Parkway? **Tom LaFollette:** The road is the City's, the median if Flynn's. **Lisa:** I have gotten so many calls on the potholes that are on that street and I know the weather has been cold. Does the City own the poles? **Tom:** The City pays for the utility on them, I think Flynn pays for repair. **Lisa:** Are we any further along with the mapping of our City streets at Mr. Armstrong was working on? **Arthur Jones:** I have a map of our city streets. **Lisa:** We're those the ones that Mr. Armstrong was working on? **Arthur:** No. **Lisa:** Did that ever get completed with Mr. Armstrong before his passing? **Arthur:** I think you may be referring to the annexation mapping of the City. The correction of annex mapping. That's not been completed. I've got two interviews this week with other surveying companies to be

able to finish that effort. **Lisa:** Do we know how much of that had been completed? **Arthur:** As far as what was in the budget for this budget cycle – zero. We had spent zero funds on that effort. **Lisa:** I thought late last year we had given a six-month time frame to get that completed. I was thinking six months was going to be around March. Do we know what kind of monies we're going to be talking about to get that completed? **Arthur:** I've currently got \$50,000 in the budget this year to complete that effort. **Lisa:** Do you know how many there are? **Arthur:** There are 17 that I know of, but I do not know how many we will run upon as we're fixing those. Whenever we helped Hillview finish theirs a few years ago we started out with 84, I think we ended up with 100 so you can estimate there is a 15-20% increase once you get into it. Stuff that you find once you are in to the details. **Lisa:** The matrix of the City streets that need to be repaired; there was a top ten list, has there been any more streets added to that? **Arthur:** Tom and I met today and discussed paving and what we're going to be doing over the next few months. MAP Funds are coming in, so we need to prioritize which ones need to go. Conestoga is on that list; so is Adam Shepherd. Keystone Crossroads, whenever that comes in that is going to account for a little bit of both of those highways so as that goes and that happens we will know how much is remaining and what we're going to be using on the rest of Conestoga. Once that happens I don't know if there will be any funds left over but if so we'll be looking at that list to which ones we can go down from there. **Lisa:** I know Gloria mentioned we've been talking about developer's roads and sewers security bond where they don't belly up and leave us high and dry for the City to pay for streets. Are we any further along on getting an Ordinance on that? **Arthur:** We've been getting a lot of kickback whenever it comes to which direction we need to go on performance bonds when it comes to developments, whether it be a subdivision or an apartment complex, etc.; currently we've got an apartment complex going in we're attempting to expand just across Floyds Fork; they are just paying permit fees there is not a performance bond associated with that project because the infrastructure is already there, pavement, sidewalks, roads, are in place. When it comes to future developments there are two big schools of thought in that. One if you put a performance bond on them a lot of people say they are going to restrict development and back away and then another approach that may be more appropriate would be they get no more building applications or permits approved until they remedy the issue. There are a couple different schools of thought when it comes to that. If you guys want to go the performance bond effort and if you pass an Ordinance I'll enforce it. **Lisa:** I thought we had really been working on that. I thought we had some paperwork passed back and forth. **City Attorney Sholar:** I think so, but I don't have a current recollection. I know that has been something that we've worked on and in terms of apartments complexes and so forth, that's all built on private property. When it's not going to be turned over to the City that's one kettle of fish; when it's a subdivision where the streets are going to be turned over to the City that's a difference kettle of fish and the same think I know we're had some concerns about sewers, again sewers being turned over; and my experience with the various water districts has been that the water district doesn't agree to let that get hooked on and the City may not want that hooked on until they have a signed set of plans signed by an engineer as referred to an as built set of plans that the engineer says this is what that looks like underneath the ground. It may well be what we want to do and what the County went to some years ago is that somebody is preparing and developing the City street, or water lines, etc. we have our own engineer. We have it set up before the dirt gets put back over that line we get the opportunity to inspect it. It can be done in a number of ways. We can have their engineer do it, but that engineer needs to sign off and thereby their bond company has their professional name on it. We've looked at the County's regulation that the Planning Commission has in regard to bonding of building of subdivision streets. There hasn't been a conclusion made by the City as to which way and Arthur points out what that thought process has been. It doesn't seem to be doing in a linear fashion. **Lisa:** I did get a complaint on a pothole on 350-355 Tecumseh. I had people asking when Republic Trash Company are going to deliver the new cans. **City Clerk Richmond:** They are going to start on March 26th. There will be a letter going out to all residents in the City. **Lisa:** Is there any resolution on the overpayment of one of our vendors? **City Clerk Richmond:** I don't know if they have made contact or not, but they are aware of that happening and are taking care of getting it resolved.

Presiding Officer Donna Burke stated our ABC Officer Jerry Pile is present and asked him if he had a report.

ABC Officer Jerry Pile: The Awesome Flea Market got their beer license a while back, they have an attorney handling this and I informed her when she applied for it that they could not get Sunday Sales. Now she wants to get Sunday Sales, she says they have restaurants they should be able to get them. I went over there

Sunday to look around and took pictures they do have a food court with approximately room for 50 seated people. I told her I would bring it before the Council and let you make the decision if she can get Sunday Sales or not. According to our Ordinance she can't. **Gloria Taft:** If the Ordinance says she can't we can't override the Ordinance without another Ordinance. **Jerry Pile:** That's what I told her. This has been an ongoing thing and she doesn't want to take no for an answer. She asked for Walt's phone number. **City Attorney Sholar:** I have not heard from her yet, but I also have not read the Ordinance. If you could send a copy of that to me that would be a help. **Jerry Pile:** I'll have someone send you one tomorrow. The attorney keeps saying State can do it and I told her the City Ordinance overrides the State. **Stacey Cline:** Tell her you talked to the Council and they said they can't according to the Ordinance. **Jerry Pile:** She was going to send an email to Heather on what they want to do with Sunday Sales. The last time I spoke to her was this past Thursday; she hadn't email anything as of today. I'll get that Ordinance to Walt and I'll call her tomorrow and let her know the Council said no.

Donna Burke: John, do we have a Board yet for Code Enforcement? **John Bradley:** That will be ready to go to Walt by next week. **Donna:** Where do we stand on the Pay Scale and Job Classification Ordinance. **Walt:** I haven't done anything with it. **Bonnie Enlow:** Tammy sent you an email while you were gone. I'm waiting on your review; it's just pages where the legal language needs to be on the name of the Ordinance and the documentation on when it's in effect. We talked about putting a date/time instead of previous Ordinance on who is grandfathered. **Walt:** What I thought you all wanted me to do is take whatever Ordinance you've got prepared and me review it and I either find fault with it or that it's fine, then I'll sign off that I approve it as to form and legality. **Bonnie:** I can send the whole thing to Tammy, but I had sent just sections of pages that specifically needed to be looked over for legality. **Gloria Taft:** Would you let us all know if you find something that needs to be changed: **Walt:** If I think changes need to be made to it I will send an email to everybody on the Council so long as the Mayor is okay with it. I can't see any reason he wouldn't be, but I will send it to you if it looks as though its suitable in my view I will sign it in the spot where it says approved as to form and legality.

Presiding Officer Burke asked for a motion to adjourn to Executive Session to discuss litigation (KRS 61.810(1c)). Bonnie Enlow made motion to adjourn to Executive Session. Stacey Cline 2nd. Motion carried 6-0. (City Engineer Arthur Jones was invited to attend Executive Session.)

Gloria Taft made motion to return to Regular Session. Lisa Carter 2nd. Motion carried 6-0. Presiding Officer Burke stated there was no action taken in Executive Session.

City Engineer Arthur Jones: At the last Council meeting I made a request to repurpose some of the monies in the Sewer Department. Line item 7011—Cherry Street Sewer Rehab, it's a \$150,000 rehab to get started with that rehab sewer project on Cherry Street. I talked about the needs to repurpose those funds to bring that money and do more of a capacity analysis of our system and our treatment plant to determine where we need to be spending the remainder of our money in the budget and what we need to be doing with it responsibly. I did not ask for your action at that point so at this point I do ask for Council action to replace Cherry Street Sewer Rehab with Capacity Analysis for the Collections and the Wastewater Treatment Plant. **Gloria Taft:** That was set by Ordinance and published in the paper; we would have to amend the budget Ordinance that was printed in the paper. We can't just change it. **Donna Burke:** We will actually have to amend the Ordinance. **Gloria Taft:** There are a lot of things that need to be looked at in this line item budget, one is spending 242% overspending what was allowed. In 7 months that line item is at 242% when it should not have gone over 100%. It's not in your Department; I'm just saying we've got more than one line item that's a problem. **Lisa Carter:** What were they going to do on Cherry Street? **Arthur:** The original scope of the project as is put in the budget here was going to be from the last turn in the street at that manhole up stream to the end of the street, all of that is doing to be dig and replace that 8" sewer line and all the taps to the end of that sewer line in the back of Cherry Street which was not going to do the entire street; only the last segment. **Lisa:** Is that with the apartments as well? **Arthur:** That would be in front of the apartments. That would be the half way point so about how far it is from the apartments to the end of the road. Right now, I think there is only 18 connections that should be on that line, but we saw 22 taps. It is a project we need to do but is it the first project we need to do and when we do that project we need to do it in a larger segment

so we don't impair that apartment complex and everybody that lives back there more than once. We need to do it all at once and get it done. **Gloria:** Do we need to move the whole \$150,000? **Arthur:** Yes, we do need to use the whole \$150,000 right now for the capacity analysis in the system; we're looking at somewhere between \$90,000-\$100,000 for the east end section of our collection system. But that's also got flow metering in there as well. And I would anticipate the other \$50,000 would be for the entire treatment plant, somewhere under that.

Bonnie Enlow made motion to adjourn. Lisa Carter 2nd. Motion carried 6-0. Meeting adjourned at 7:47 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk