

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, January 27, 2014**

Councilwoman Gloria Taft gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:31 p.m.

Council members present: Bernie Brown, Jose' Cubero, Faith Portman, Clinton Kline and Gloria Taft.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 1/13/2014 regular meeting. Clinton Kline made motion to dispense with reading. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes as written from the 1/13/2014 regular meeting. Jose' Cubero made motion to approve 1/13/2014 minutes as written. Gloria Taft 2<sup>nd</sup>. Motion carried 5-0-1 absent.

**Announcements: Faith Portman:** I would ask that the public please keep the Tony Stamps family in their thoughts and prayers. He's the pastor of Victory Baptist Church and he passed away on Saturday and we just want to show his family that here to support them.

**Old Business: None**

**New Business:** Mayor Ellis: We had put out bids for the fence at the sewer plant. We received one bid to tear out 550' of 6' chain link and install another 550' of 10' chain link; 2-1/2 size posts; 3" end and corner posts; installation of 550' of 10' hedge privacy for the bid estimate of \$25,880. This bid is from Shuck Fence Company out of Shelbyville. We had the other three bids that we had found a while back that were in same price range, \$25,000-\$30,000. Faith Portman: have we ever thought about just pricing the fencing itself and doing it our self, like a privacy type fence. It wouldn't have to be a chain link. Mayor Ellis: You could but again what you're going to run into is it is going to look like the slats that were over around the old water plant where the wind would blow them out. Faith Portman: You can get better fencing than that. They have like privacy fence; a lot of my neighbors have it. Mayor Ellis: The wood privacy fencing? Faith Portman: You can get the plastic that's like that but it's more secure now. Mayor Ellis: We can look at it and see. I think you're going to be getting into a pretty hefty price too. Clinton Kline: Is the fence there now just not high enough to block the view? Mayor Ellis: Yes. It's just not high enough to block the view and it's supposed to come down according to this estimate. Bernie Brown: This is primarily to hide some things that are stored out along the fence. Is that right? Mayor Ellis: Yes. This is to hide things in that lot where the Sewer Department and Tow Lot is. Clinton Kline: Instead of the green shrub fencing could we plant shrubs there? Mayor Ellis: The only thing you would have is upkeep; eventually they are going to grow out. Jose Cubero': The whole 550' foot has to be covered that way? If we just put slats in it it wouldn't work because you could still see over the top of a 6' fence. Mayor Ellis: You would still be able to see over the top. We've had them estimate both ways. Faith Portman: I don't see why we don't just try to price it our self. I'd say we probably have enough men to put that up. Bernie Brown: You only got the one bid? Mayor Ellis: That's the only bid that came in when we posted it in the newspaper. No bids were sealed. They actually faxed this one in. City Clerk Richmond: I asked for sealed. City Attorney Wantland: Let's have a motion to reject all bids as nonconforming. Faith Portman: I make a motion that we reject all bids as being non-conforming and look at pricing privacy fencing and go from there. Bernie Brown 2<sup>nd</sup>. Motion carried 5-0-1 absent.

**Daryl Lee:** Called; no report tonight.

**Duane Price:** Called; no report tonight.

**Sign in Speakers:**

**Rick Talbott:** I live at 105 Huron Court, Shepherdsville, KY. Mr. Mayor, ladies and gentlemen of the City Council, any special guests, neighbors one and all; I am a resident of the Settlers Gap community and have been for going on 6 years. I moved in; I was looking for a place to retire; I wanted to find a safe, clean place, affordable for my wife and family to be and I thought we had found it over in Settlers Gap. A little bit about Settlers Gap, it goes back to the mid-1984 when Mr. Hadley purchased this property. I think at that time it was zoned Agricultural and they moved and had it zoned different times, R-3, R-2 for single family dwellings and row type housing basically patio homes was the way this was laid out. I'm here to speak in opposition against any Section 8 housing being placed in that vicinity. I think I'm a very fair person and I believe in God's desire for everyone to have a place to live but to have that right there to me just doesn't fit the bill; doesn't fit the surroundings. I know Mr. Hadley has worked very hard over the last years, since 1984 to develop this area and I say he is approximately 98% done with this community. He's worked his fingers to the bone doing it; it's a nice place to live and he's almost got it complete. It's a beautiful place and here at the ninth and a half hour to have someone come in and try to put a project like this in is appalling to me to do that to us. I think there is so many other ways we could probably skin this cat. I know God's people got to have a place to live; there is a lot of them that live up on Highway 44 in the Section 8 properties that are there right now. You've been by there. You've seen what it looks like. It's terrible. There are refrigerators and freezers out on the front porch; cars on blocks; and this is what we have over there. This is the type thing we don't want in our community. Maybe some of the statistics to know about it; I've taken the pleasure to look up some things; I can tell you that in the past six months the Shepherdsville Police Department has made over 26 trouble runs to that facility. That's not counting burglary and thefts and things like that, this is trouble runs. And that's not saying anything about the Sheriff's Department for warrants and summons that are being sent. It's not saying anything about the times the Drug Task Force has been there for drug related charges and meth charges. Again this is something that we're looking at. On top of that there are two sex offenders living there right at this time. This is not something we want in our community. We have a church right across the street where this property is going to be; we have a day care center; the kids walking to school basically have to go right through this area on their way to high school. It just doesn't add up. It just seems to me there is some better resolution that we could come up with; whether someone else could either come in here and work with Mr. Miller; I don't know Mr. Miller, I wouldn't know him if he walked in the door but I'm sure he's not living next to a Section 8 apartment. And I'm sure he wouldn't want it in his backyard. Having said that I'd like to see him get his money that he has in this out without suffering a loss; I'd like to see it turned into something that would benefit the community; a parking lot for the high school; it seems like they are over run; I know the Lodge is allowing them to park there at this time. A park, anything, but what you're proposing to put in our backyard. I hope working together this is just something that we can resolve whether the neighborhood association, I don't know the legal ramifications that you guys may know what's in it; whether that would be allowed for them to, even if they could still put this in there the way things are zoned and has to be approved by the neighborhood committee. I just ask you to take a look at it; let your heart be your guide in it and hopefully we can equitably work out something for this situation. Thank you for your time. City Attorney Wantland: I will tell you that Shepherdsville Police is aware of the sex offenders living in your area and they've been checked out.

**Lindsey Wolff:** 404 Arrowhead Lane, Shepherdsville, KY. I'm here also on behalf of the apartments because the last time I was here was August 26<sup>th</sup> and we were told that the next route of action would be signage posted on the property with adjoining property owners being notified if anything developed in this with the apartment complex because you all had decided that there was no documentation to back the letter that was sent to Mr. Miller. I was told that you did contact some of the residents in Settlers Gap but none of the adjoining property owners were consulted or contacted. Mayor Ellis: Because when they say the signs have to be posted that's for anything that happens at Planning and Zoning. Lindsay Wolff: You told us that we would be contacted if there was any new development; we were told that we could put our minds at ease on August 26<sup>th</sup> that any notification would be made to the residents of that area because we would be the ones affected and that did not happen. Additional to that is you're City employee made a mistake and sent out a letter with misleading information to Mr. Miller so the residents of Settlers Gap are now having to pay a price that the insurance company depending on what they say, the apartments may be in our neighborhood when you've proven there is not documentation to prove that is an R-3 zoning. He should have to go through all the proper channels just like everyone else to have an R-3 zoning before apartments

are put across the street from my home. Mayor Ellis: And that's why we sent it back to Planning and Zoning for them to have to rezone this property. Because in the books and on the map; the map shows that it is zoned for these apartments. And that comes straight from Planning and Zoning; that's where our employee came to this information. After looking the only thing that shows being rezoned is Highway 44 East. That's why it's being kicked back to Planning and Zoning. Planning and Zoning is not wanting to touch it at this point. Bernie Brown: Have you heard anything from Planning and Zoning because that happened months ago. Mayor Ellis: The last I heard Planning and Zoning doesn't want to touch it. City Attorney Wantland: Their attorney is not going to allow it to come back to Planning and Zoning. Lindsey Wolff: So basically no one is going to touch this. City Attorney Wantland: Wrong. Lindsey Wolff: Well if you all pushed it back to Planning and Zoning and they do not want to touch it then who wants to touch it. City Attorney Wantland: Mr. Miller has approached the Circuit Court of Bullitt County Kentucky and says he has been aggrieved. And he's the only one who has filed a complaint who says he's been aggrieved. Lindsey Wolff: Correct and I've made several contacts too. City Attorney Wantland: You have not filed anything in court Ms. Wolff. Lindsey Wolff: I've contacted several attorneys and I can't get anyone to answer me because Mr. Miller has money and we do not. City Attorney Wantland: I don't think that should be a problem. Lindsey Wolff: I would be happy if someone; the attorneys that I have been recommended to no one wants to touch this because Mr. Miller has a wide variety of contacts in this County. It's just frustrating that we as the citizens have done everything correctly, I live in a residential neighborhood and they are trying to put apartments in my neighborhood when the property was not zoned correctly and my children who are going to have additional traffic and them going out. That's frustrating. City Attorney Wantland: If you contact an attorney they can call me and I will ask them and give them the information. Lindsey Wolff: I've contacted an attorney and the only thing I got back was a letter saying they just didn't want to get in to it. I can't get anywhere with this. I don't understand why it's the burden of the citizens in Settlers Gap to fight the battle when the documentation isn't there from the City to give him the permit. City Attorney Wantland: It's the duty of every citizen to protect their interest and their homes. Lindsey Wolff: He can just get a permit because it's not zoned correctly? City Attorney Wantland: The only person who will decide if it's zoned correctly or not is going to be a Circuit Judge. Mayor Ellis: The City cannot file a lawsuit on behalf of residents. Lindsey Wolff: I'm not asking you to do that. Mayor Ellis: That's what I'm saying, we can't. That's why we're telling you to figure out a way to get an attorney because we cannot file the suit on behalf of the residents of Settlers Gap. Lindsey Wolff: So a 27 year old female with two small babies is supposed to find this money to file a suit. Jose' Cubero: It has to be a group effort. The problem is we all have our opinions about this and I think we made that known in the August meeting but we're obligated as Council for the City we have Ordinances in place; we put it back to Planning and Zoning because we knew that we wanted it to start back there and if it came back to us then we could vote on it. But with exiting statutes we can't vote on it. That's the problem we're in right now. I can tell you right now I wouldn't want that in my neighborhood. Faith Portman: Lindsey you need to find a stay at home mom or someone retired in the audience that would make phone calls for you to see if you can get someone to help you out. Jose' Cubero: And I'll tell you this also, I would be glad to get my next door neighbor, Bill and Sherry Duffy, they did a great job and I will get hold of them; I will do what I can because I do know that this is disheartening for you guys; all of you. I can see it in your face and I can see the emotion that you bring to this. But we've got to do something; all we can do is recommend things to you guys; we support you guys; we're glad you're here; we know it's a concern. I thank Mr. Talbott for coming up and speaking. I know everybody wanted to say the same thing he did. But for us to resolve this we've got to have the initiation from the group and you can say Settlers Gap but there are many more areas there that are affected by that. Those people need to be contacted; and it is initiated by the residents as the City Attorney said. Faith Portman: Turn around and look at the group you have with you tonight. All those people are behind you. What you need to do is ask for their help and they'll help you. Mayor Ellis: We can't file the suit on your behalf but once we get into Court we'll be right there beside you. Lindsey Wolff: I appreciate that. I'm doing the best I can to get there. City Attorney Wantland: I'm just impressed that you're here. I just wish that you had a little bit more determination or at least self confidence that you can do this. Lindsey Wolff: Self-confidence, I have two small children that I go from morning up to morning down; I've made phone calls, I've made flyers and put them in everybody's mailbox; I'm doing everything that I can. If that's not enough for you I'm sorry. City Attorney Wantland: It's not me that you need to do anything for. I'm just telling you you need to get to court. Comment from audience: Mr. Mayor I believe also that Mr. Hadley has

Counsel that will be looking into this. City Attorney Wantland: I've given Mr. Hadley's attorney the information back in October and to this date nothing has been done.

**Glenn Gray**, I'm a member of Bullitt Lodge #155 Free and Accepted Masons: Our Lodge Hall is located on High School Drive adjacent to the property that is in question at this point. I'd like to make a couple points. I agree wholeheartedly with the neighbor back there. Not only is this a concern but we know for a fact that people have lost money on a contract for a house being sold that was withdrawn when they found out these apartments were going in. These people have put their life savings into their homes. These are not rich people. These are hardworking Shepherdsville citizens. A lot of times mother and father both working and they put everything they own into their home. And to put this kind of housing in that situation is ludicrous. Now I don't know if you take responsibility, if Planning and Zoning takes responsibility; the bottom line is if you look at the history of that area it was never intended for multifamily dwellings. It was always intended to be exactly what it is. That piece of property originally was a Church; there was a small Baptist Church there for years and years and years. After that it was a day care center. Around that property our Lodge Hall was built about the same time those other patio homes were built but Arrowhead and all those homes were built back in that same area as single family dwellings. So I think that needs to be considered. But the only reason I came up here was to offer our Lodge Hall as a meeting place if you ladies and gentlemen need a meeting place to organize yourselves and speak with attorneys. We would be more than glad to open our Lodge Hall at no charge to you folks to do that. Mayor Ellis: It takes the Masonic Lodge to join in with these folks and help fight this. Mr. Gray: We intend too.

#### **Department Reports:**

**Chief Troutman:** I just wanted to make everyone aware that the Fire Department put in for a grant for a thermal imaging camera; I sent emails to the Council but I wanted the public to know also; we put in for \$3200 thermal imaging camera that actually helps us see through smoke to find victims in a fire and helps us locate fires in buildings; it does a whole lot for the fire service. We have 2 right now that are 13-15 years old; kind of out of date; so we put in for this grant, really didn't think we would get it, and we were contacted by the State Fire Commissioners office this past week and we received the grant and we have the camera on order now. It's just something I wanted to make everybody aware of—we put in for grants all the time and we've been lucky with the last two we're put in for we've gotten. Also, back in August our newest Engine was hit on I-65 by a trucking company and at this time we are having trouble getting the truck company to respond back and fix the truck. The truck is in Wisconsin now at the manufacturer and I'd like to move forward and file suit against them to get the truck fixed. We contacted the insurance company at first, the first woman we spoke to in California was agreeing to a lot of different things but she wouldn't give us anything in writing. I spoke with Mr. Wantland, we made some other phone calls and found out that the lady we were speaking to in California really didn't have any say in what was going on here with the insurance company. They sent an adjuster out, and he told us the damage was only \$27,000 worth of damage. The manufacturer in Wisconsin has told us that it's about \$153,000 in damage to the truck. So we're trying to get it moving. The day they tell us that we can actually fix the truck it's 8 months out from that date before we can get this truck back. Faith Portman: When you said they sent an adjuster, their insurance company? Chief Troutman: Their insurance company sent an adjuster. Faith Portman: Why didn't our insurance company helping out with this? Normally that's what they do. Chief Troutman: Usually it's easier to deal straight with them. Our insurance company is a little different. We have full replacement value from our insurance company. Their insurance company is not going to give us full replacement on this apparatus. There are valuing the truck at \$200,000; the truck realistically \$400,000-\$450,000 truck. Our insurance company is waiting to see what they are going to do. Bernie Brown: Has the City's insurance company been involved at all? Chief Troutman: Very minute. They are waiting on us to get back with them and let them know what the trucking company insurance is going to do. Bernie Brown: So they are waiting on the other trucking company's insurance? Chief Troutman: Yes. Bernie Brown: Have you gotten anything in writing at all from the trucking company's insurance? Chief Troutman: Nothing. Bernie Brown: Mr. Wantland are you aware of all this I assume? City Attorney Wantland: I began working on this at the Mayor's request around the first of January. I sent you all an email within the last two weeks asking for a consensus from the Council on how to proceed. Bernie Brown: I have not had emails received or sent for probably 3 months. I would appreciate somebody letting me know. Email is good but that's not the only way of communicating.

Do we need a motion made to proceed with some action to get this thing moving? If so, I'll make a motion that we have our City Attorney investigate and prepare whatever needs to be prepared to get this thing moving in a legal manner. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

### **Council Reports:**

**Bernie Brown:** What's the latest on the code violation on 400 Beech Grove Road? Mayor Ellis: That goes to Court in February and hopefully at that time the Judge tells us we can tear it down. It went to Court already once and the Judge continued to February. Bernie Brown: In the meantime, your officers can't do anything more in issuing citations? Chief Puckett: We've taken pictures recently of it. Bernie Brown: Do you know the date in February? Mayor Ellis: We'll check and let you know. Bernie Brown: I did have some phone calls about some of the streets not getting plowed snow removed. Many did I know; but some didn't. One question I was asked is what's the criteria for determining which streets are going to get plowed first and honestly I told them I did not know but would try to find out. Mayor Ellis: In future reference on that, anything with a hill or steep grade on it you definitely want to get those cleaned up as quick as you can; any where we have heavily populated elderly we want to get those taken care of for ambulance, fire truck, anything that may need to get to them; then your regular local access to get people out to the Interstates are going to be your primary areas. Bernie Brown: I was asked why Conestoga Parkway up the hill was closed but I think part of that was running out of salt. Mayor Ellis: We're completely out of salt, Jefferson County Louisville Metro is out, the State is running low, what happened is Morton Salt has a barge sitting down on the river but they are not unloading it for some reason or another. We put in for 300 tons of salt this year and we've received 200 tons so we're still owed 100 tons. Last year we ordered 300 tons and didn't use hardly any of it. This year we order 300 tons and they've got us back logged until February to get the last remaining tons that we have. Bernie Brown: Is the City's facility capable of holding 300 tons? Mayor Ellis: It's not. No. We're going to need to build something; the EPA is going to come in and make us build a dome like you see over on 480. But it's not the simple fact that we can hold it; they only allot you so much. When you put in your order in October or November, they say okay the first of January we're going to send you 150 tons. They may get a barge in of one million tons but they have to send that out to 60 different cities. Bernie Brown: Do we spend more than \$20,000 a winter on salt? City Clerk Richmond: This winter yes we will. Mayor Ellis: Morton Salt has the State Contract. Bernie Brown: Wouldn't it be wise if we went out with bids? Mayor Ellis: Morton does do the State bid on it; there is no other contractor in this area. Bernie Brown: Is there a way of getting a commitment from them to get x number of tons of salt? Mayor Ellis: That's what they do. They give us a commitment when you order 300 you're going to get 150-200 tons of it right off the bat. Bernie Brown: Is there a way that we have of getting them to commit to provide 300 tons? Mayor Ellis: I don't believe you're going to get them to, no. They don't hold us to our commitment. If we order 300 tons and we don't need it, we don't have to pay for it. Bernie Brown: Is there a legal way Mr. Wantland? City Attorney Wantland: We can get some kind of contract but if you buy 300 tons you buy 300 tons. Mayor Ellis: They don't hold us to that contract; but if we tell them we have to have it they will hold us to it. Bernie Brown: It looks to me like we could get with the County and work something out with the County; a joint effort. Clinton Kline: Does Spencer County have any cinder we can buy from them while we're waiting on salt? Mayor Ellis: I don't know but we can call and check on them tomorrow. Clinton Kline: They don't run salt they run cinder. Mayor Ellis: Call Spencer County tomorrow and see what they do. Nothing hurts to call them.

**Jose' Cubero:** I just want to make one last note to the residents for coming out, thank you all but please have somebody from this group keep us up to date with it. I gave my card to a lady in the audience so if nothing else if you guys would just keep us up with what's going on here as you move forward. As the Mayor stated earlier, once we know you've initiated there becomes a different involvement in that process. We speak as neighbors and we don't like it either.

**Faith Portman:** I want to thank the residents too for coming out tonight; you are my neighbors, I live just across the street, I've known most of you, graduated with a few and educated a few but I want to thank you all. Just keep it up. It's nice to see that people are worried and concerned about their community. I also wanted to bring up in the Kentucky League of Cities handbook on page 103 part B KRS 83A.070 about pay of Council members. Two years ago actually four years ago the Council gave up 25% of their income a

month which totaled to be \$200 a month because the City was in horrible horrible shape and we didn't want any more employees to be laid off or people to lose their jobs. We have police officers that were leaving, so the Council decided to cut 25% of their pay and that was in 2011; we did it out of the goodness of our heart we wanted to help the City out. Now that the City is back on its feet I want to say that we need to return the pay. It won't come back this year it will come the next election. We can't raise our pay but we only can do it the year of an election and it has to be done by the first Monday in May. That's why I bring it up, I'm not running for Council so it's not going to impact me whatsoever and I'm only asking for the Council's pay back. I feel the City is getting back in shape; we've bought several vehicles, new trucks for public works, several employees have received raises this year so I feel like now is the time to bring the Council back up to their pay. Faith Portman: Do I need to put that in the form of a motion. City Attorney Wantland: I'll prepare an ordinance at the Council's direction. Faith Portman: I just want the taxpayers to know that that Council saved the taxpayers \$1200 a month which was \$26,400 a year. I know it don't sound like a lot but the bills we had at the time it was a lot of money. I don't know about you all but right now what I spend a month; the meetings I go to, I go to people's homes; I was in two homes on Saturday; my phone rings 24/7. Some of you all I got calls from over the weekend. If you total it up I probably spend more than \$500/month. I probably spend \$700 really, if you total my gas and time; I'm not complaining I don't do it for the money; it's not about the money but there are new people that want to come on the Council and I feel that we should help the young out, try to get the young to run for Council, Mayor, so I'm just putting that out there. So I ask the City Attorney to prepare an Ordinance to raise the Council's pay back to the 25% they gave up in 2011. Also, on the book that we got can it be highlighted the areas that have changed because normally they do that, they highlight what is different because if you go through this page by page, I tried it over the weekend, it about drove me batty! And I did get a phone call from HR Unlimited; she was very upset with me. City Clerk Richmond: I talked with Mitch today. I told him as soon as we got through it with the comparisons they would be the first call I make and when I sit down with them I'll let everyone know the day and time. And Chief would you ask Mike O'Donnell call me tomorrow I called in a place on Centerview and he was supposed to get back with me and I haven't heard anything and I was wondering if it had been taken care of.

**Gloria Taft:** I just wanted to ask Chief how the new plan of Code Enforcement is going since Officer Miller retired; if you know yet if it's being effective. Chief Puckett: We're in the process of doing it now; starting the first week of February will be up. Gloria Taft: So we don't know yet because you haven't had enough time to institute the new operation? Chief Puckett: We've been doing it. Mike O'Donnell is the one that everything is going through; he's putting it out to be done. Gloria Taft: Do you find it effective? Chief Puckett: Sure. So far it's been very good. Mayor Ellis: We'll be able to know a clearance in February. Faith Portman: I just received that text too and she said that it's still in the front yard. So if you can have somebody look at it tomorrow. Gloria Taft: I received an email about a statue that looked maybe inappropriate within the City limits and I drove by and stopped and looked at it today and it's just a statue of a rock pile; it's nothing that if offensive so I'm going to get back with that individual and have a discussion with her and see if we can't get that resolved.

Clinton Kline made motion to adjourn. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-0-1 absent. Meeting adjourned at 7:16 p.m.

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R. Scott Ellis III, Mayor

Attest: \_\_\_\_\_  
Tammy Richmond, City Clerk