

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, AUGUST 26, 2013**

Councilman Jose' Cubero gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:32 p.m.

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

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 8/12/2013 regular meeting. Faith Portman made motion to dispense with reading. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis called for a motion to approve minutes as written from the 8/12/2013 regular meeting. Faith Portman made motion to approve. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis announced that on September 4<sup>th</sup> we are going to have a 9-11 Tribute here; I know it's a couple days early they are bringing in pieces of the slurry wall from Ground Zero. It will be in the park. Festivities start at 6:00 so we encourage everybody to come out and visit with us. At this time I'm going to turn it over to City Attorney Joe Wantland for a quick announcement.

City Attorney Wantland: Mr. Mayor and members of the Council, at our last meeting I was asked to prepare a letter concerning the R-3, R-3 zoning of property that was discussed by people here at the last meeting. I have spoken to the County Attorney's office, their concerned about record keeping. If this is the one where we have an R-3 zone, an R-2 zone, and a Commercial zone and it's all on one hand written note where the Commercial was denied. There are no legal descriptions given whatsoever. So it's impossible to determine what is R-3, R-2 and what would be B-1 on that proposal. I'd like to have a motion where I can send a letter to the Planning Commission and ask them what their records show and ask their Counsel to give their opinion as what we can do. But it looks like it may have to start over with legal descriptions. Mr. Daryl Lee is in the audience, he has called my office, he's examined it, and I bow to his judgment and wisdom in this area because he's worked with it so many years as a public servant in this Community. He's also concerned about the lack of legal descriptions contained in the information that's in the City. There just isn't any description of the property; no surveys, nothing that we can determine. So I would like to ask Planning and Zoning formally for their Counsel to give an opinion and to check their records to see if there is anything that we haven't been able to determine. Faith Portman: Is this the same property that we made a motion on at the last meeting to send back to Planning & Zoning. Clinton Kline: I thought that was the motion we made last time. I thought that is what it was. Mayor Ellis: We made the motion to send it back to Planning & Zoning. Clinton Kline: How is this different? City Attorney Wantland: I just want the County Planning office officials also to be aware of the fact that we're looking for whatever was done in 1977; their records. Our records simply don't show anything. Faith Portman: We did make a motion to re send it so if we need to send a letter. Bernie Brown: Mr. Wantland do we know if they have any records? City Attorney Wantland: I just want to have due diligence. I want their Counsel to be on notice of what our situation is and just get that Counsel's opinion as what can be done. I don't see how you can even reconstruct a record based on what we have so far because there is just simply no description of the property. What was to be zoned Commercial, we don't have. What was to be R-2, we don't have. What to be R-3, we don't have. We don't have a description. And then when you look at the City records it appears that there was never an Ordinance drafted to conform to the law at that point adopting the recommendation of the Planning Commission. Bernie Brown: Let me ask you this, back at that time, we're talking about the late 70s, was zoning issues actually being done by Ordinance then or by Resolution? City Attorney Wantland: They were not done by Resolution. And this one what I can see is it appears that everything was voted on at one time. There was not a separate application for R-3, R-2 or commercial. Bernie Brown: So you're saying it could not have been done by a Resolution. City Attorney Wantland: I'm saying it could not have been done the way it was done. Bernie Brown: And being done by Resolution was not the way to do it. Is that right? City

Attorney Wantland: You should have had an advertisement, a public hearing, and it appears that none of that was done. There should have been something directing the City Clerk to amend the City's zoning map. None of that was done. Bernie Brown: I don't disagree but I'm just saying I think at one time that zoning issues were done by Resolution and not by Ordinance. City Attorney Wantland: I'll check into that. But this was not even done by Resolution. Bernie Brown: Maybe it wouldn't have been legal but my question is could it have been done by Resolution and at that time they weren't necessarily doing everything by Ordinance. Faith Portman: When Brenda and I went through the books, there were several Ordinances at that time on certain zoning of property. I would say it had to be done by Ordinance. Bernie Brown: I think a search of Ordinances did not reveal any ordinance on record. Right? City Attorney Wantland: Nothing. Bernie Brown: Could there possibly been a Resolution? Mayor Ellis: We look for Resolutions and didn't see a Resolution. Brenda and I looked at Resolutions and didn't see one on it. Jose' Cubero: Was that a motion you were asking us to make on sending the letter? I'll make that motion. Faith Portman 2<sup>nd</sup>. Mayor Ellis: I have a motion by Jose' to send a letter to the County Attorney and Planning and Zoning. I have a 2<sup>nd</sup> by Faith. Motion carried 6-0. Mayor Ellis: That's the only information that's on this particular item tonight.

### **Old Business:**

Mayor Ellis asked City Attorney Wantland to have the second reading and public hearing on Ordinance 013-(number to be assigned) amending the City of Shepherdsville, Bullitt County, Kentucky, annual budget for fiscal year July 1, 2012 through June 30, 2013 by estimating revenues and resources and appropriating funds for the operation of City Government. Bernie Brown: I've been asked by more than one person why that's being amended and there may be people here tonight that wonder why. I wonder if that couldn't be explained. Mayor Ellis: The reason that both budgets are amended, they are amended at a normal time throughout the year because expenditures are made; revenue increases that come in that were not projected, and both happened this year. One of the things you'll see with my budgets they are always real conservative when I present them to the Council. Our projections are lower and expenses are lower than what they could be. It's always better to be low on your budget numbers than it is to be too high on your budget numbers and then you're totally out of line. City Attorney Wantland had second reading. Dana Bischoff James had some comments about the Richmond Bond. She would like this to be placed under the Fire Department budget to be properly documented as a debt obligation and take it off the Admin side. Bob Ryan: This is in the 2013-2014 budget you are looking at Dana. He's amending 2012-2013. There is no problem with moving that. But the numbers we are reading off the amended budget off of 2012-2013 and what you are looking at is 2013-2014; two different years. City Attorney Wantland: We need a motion and a second to approve the amended budget for 2012-2013 first. Gloria Taft made motion to approve. Jose' Cubero 2<sup>nd</sup>. Faith Portman: Why exactly are we amending it? City Attorney Wantland: To reflect exactly the monies. We had an estimated of the revenues. Faith Portman: Were the numbers too low? City Clerk Richmond: Once he got everything in and finalized as of Fiscal Year End June 30 it reflected these changes. City Attorney Wantland: We amended the budget in January. Mayor Ellis: This is the final budget that you will send to the Department for Local Government. There being no further questions from the Council vote was taken 3 in favor; 3 opposed. Mayor Ellis broke the tie in favor of the budget amendment. Motion carried 4-3. City Attorney Wantland: We had a second motion where Councilperson Bischoff James wants to move the Richmond Bond and revenue items for 2013-2014. Clinton Kline: When does that expire? Dana Bischoff James: November 2017. Mayor Ellis: Unfortunately that's one of these we couldn't pay off when we were paying things off. That's a KLC bond. They won't let you touch those early. There is a hefty penalty for paying those off early. Clinton Kline: What's the penalty. Mayor Ellis: 18-1/2% of the balance due. Dana Bischoff James: Move from the General Admin side under Capital Projects, the Richmond Bond which is actually for the Fire Department. Moving those funds from the Admin side placing it in the Fire Department budget where it should be with the funds also moving from the Admin side to the Fire Department side. It's just putting that line item where it should be. Jose' Cubero 2<sup>nd</sup>. Motion carried 5-1.

City Attorney Wantland had second reading and public hearing of Ordinance 013-(number to be assigned) amending the City of Shepherdsville, Bullitt County, Kentucky, annual budget for fiscal year July 1, 2012 through June 30, 2013 by estimating revenues and resources and appropriating funds for the operation of the Sewer Department. Jose' Cubero made motion to approve. Clinton Kline 2<sup>nd</sup>. Mayor Ellis opened the floor for discussion. There were questions from Dana Bischoff James on the Sewer Plant Operations. There

is a significant increase. Bernie Brown: A difference of one million two hundred seventy five thousand. Jose' Cubero: It's not just that, that whole budget; the disparity between those two numbers that were originally budgeted to what is amended. Bob Ryan: That was Capital Expenditures that were added to one of the interceptor lines. There was over \$1 million worth of construction done to the Salt River Interceptor line during the year. Jose' Cubero: If you look at the numbers across the board on the budget numbers there is a big disparity. I know obviously we've fixed that. It's been a learning curve. That's the challenge of our budgets in all our departments, it's not just sewer. I'm not trying to isolate you guys but the kind of numbers we put out there. I understand we had things come up and finalized the phases of the interceptor but they are not quite double but you're talking almost two thirds. Dana Bischoff James: The final phase, what road is that on? Mayor Ellis: It runs by the river. The Salt River Interceptor project ran from Lakeview Gardens Drive to the Sewer Plant. A \$3.5 million project. Jose' Cubero: I think the other part that is important here is that obviously it's a very sensitive topic about the revenues for the sewer department; but it's important for them to see this aspect of it to understand that the numbers need to be coinciding with that is actually being spent so these numbers here the revised numbers are the right numbers so when people start to look at where that money is being spent they have a true number that they can view and say now I know, I get it, maybe they don't like it but they know that no other money is being spent. Motion carried 4-2.

City Attorney Wantland had second reading of Ordinance 013-(number to be assigned) concerning surface water infiltration into the sanitary sewer collection system of the City of Shepherdsville. Jose' Cubero made motion to approve. Clinton Kline 2<sup>nd</sup>. Dana Bischoff James: I have a whole lot of concerns with this document. I think it has a lot of ambiguity and I'm very concerned about how much our taxpayers will end up paying in regard to this. I believe this document will eventually lead us into litigation where the City will lose due to some of the ambiguity. First off, who is responsible because in some places it says owner, homeowner, so who exactly is responsible, is it the homeowner, is this the City right of way. Is it from the road to the house? Where are we drawing lines because it's not specified? I'll just go through my list of concerns. The next is are we placing meters in homes or on each home? Are we placing them within neighborhoods? Where are we placing meters? Who is paying for these meters? I'm concerned about by putting this on this is additional funds as well. Chuck Keith: We already have the meters. We put them in the tap or whatever sewer line that has the I&I on it. Faith Portman: Is it just the household or a subdivision? Chuck Keith: We can put it on a subdivision; we can put it on a single line. Dana Bischoff James: That brings me to my next concern is because here we have an excessive 10,000 gallons but then it doesn't specify. Is that per subdivision, per home? I think the writing of this in general needs to be more specific as well as going back and filling in these gaps because if it doesn't say and then we try to go after somebody for excessive whatever it may be, this will not hold up in court because it doesn't say if it's a home or a neighborhood. Then if it is a neighborhood then we have to take into account are we putting this limit on large neighborhoods compared to a small neighborhood or on one individual. Just to continue also besides the usage for residential subdivision large versus small, is there any other City, because I know MSD, I tried to check with them, they do not have anything like this and they work with Louisville Metro. They have much larger areas and I know they are a much larger department as well. But if there is not any other City in the area like Mt. Washington, any other areas that has an Ordinance like this, why are we implementing something that is going to cost our people extra money. I understand we have a great sewer thing going and we've got to keep it up and keep it maintained, but I don't think we charge our citizens more money. Chuck Keith: They are already paying more money. Dana Bischoff James: Well as far as this goes though. Clinton Kline: This only targets the offenders. Dana Bischoff James: At this point it's ambiguous. It doesn't say home ... City Attorney Wantland: It does say very directly individuals having control of property. Dana Bischoff James: So the 10,000 is per property? Scott Fleming: It would be per incident. Dana Bischoff James: That's something that needs to be specified. City Attorney Wantland: The City Council has the ultimate responsibility to determine at a hearing what has happened to cause. Dana Bischoff James: I would just like to see where it says specifically under each item so that it's not going into legal, somebody coming against us and us not being able to justify a City Ordinance that's passed. Faith Portman: Where did you get the Ordinance Scott? City Attorney Wantland: I basically had to freelance this thing. Dana Bischoff James: You mean nobody else has one? City Attorney Wantland: Most other communities have had a bonding system in place and in force years ago where the surety makes the owner/developer/installer of the device, surety being the insurance company, responsible for the occurrence. And we have not been collectively as

a Council and as a City, we have not been. Jose' Cubero: And the taxpayers have been paying for all of the excesses and that's what we're trying to avoid. Dana Bischoff James: But this needs to be a little bit more clear cut, especially where it gives excessive water service in the amount of 10,000 gallons per rain, snow. Also another concern. We live in a lot of flood areas. So if we end up with another big flood such as in the past does that mean that our people and our taxpayers are going to be paying for that as well? Scott Fleming: Joe has in that Ordinance where this goes to the Council and you guys decide. Faith Portman: We have the final decision and what it is we're holding developers, whatever, responsible that are not correctly maintaining or putting in sewers. Clinton Kline: This is not for your average homeowner. This is for developers, complex owners; this is for notorious belligerent bad actors. This is not for somebody got a crack in their sewer line. Jose' Cubero: The expense is still being paid. That's the concern we had is because we still have to fix it. Clinton Kline: I'm paying my sewer bill that's increased because we have to treat these additional gallons of rain water. Dana Bischoff James: Where are these flow meters going in? Are they going in on every individual's home? Scott Fleming: They are not going on every home. We've done an SSES on the system. We've targeted certain areas where we know we have problems. New development has been one of those major problems. Those are the spots we went to first. We've got four flow meters throughout town right now. Dana Bischoff James: So how are you going to document that per home then whenever you originally set someone's home? Scott Fleming: If we have a home that we suspect a problem, we will put a meter on that home. City Attorney Wantland: The homeowner literally is going to have to have some kind of device to drain a lake to trigger this. Dana Bischoff James: That's what I'm saying it needs more concrete evidence. I would just like to have it outlined as to who is responsible; this is where the flow meters will be placed in the occurrence that we suspect and it needs to be stated because even on that you don't want people feeling like they are singling out one person versus another. Chuck Keith: We have to camera 10% of our system a year. When we are cameraing it that tells us where we need to put the flow meter, where we've got the problem. Dana Bischoff James: I think that should be in this as well because I don't want somebody going back. Chuck James: The 10,000 gallon protects the homeowner. The line would have to be cut with a lake running to it. Dana Bischoff James: That's what I'm saying I want to take this document back and I just want it to be clear cut where there is no question about anything. I don't want our City to end up in litigation and it come back on us where we lose and then we end up having to pay even more because it wasn't clear cut. It wasn't clearly identified. Mayor Ellis: We have a developer in the City that in a meeting admitted to knowing that we had a break under a driveway and refused to dig up a driveway because people were living there to fix this break and the taxpayers had to pay for whatever storm water was running in to that sewer line that run into the sewer. Dana Bischoff James: I understand that this is a corrective process but we've just got to get this where it's not ambiguous. We need clear cut lines is all I'm asking for. Scott Fleming: We met with the City Attorney; he doesn't feel like it's ambiguous, this is what we've come up with. Dana Bischoff James: Well that's my personal recommendation. City Attorney Wantland: As far as individuals having control of property, if you've got control of the property and I don't care if you're the bank, the homeowner, or a corporation, if you're pumping surface water into the City's sewer you get to pay for it. Dana Bischoff James: Here it also says the property owner and/or installer. So if we have property owners and the person who installed it, that means that even though the property owners bought this and then you're going to have somebody coming after them when they bought this new construction and then the City is going to be going after them. Faith Portman: You're covered under that if you have a new construction. It has to be signed off on. Dana Bischoff James: But we have other cases where the City is on top of stuff and their going back. Faith Portman: It's not the City it's whoever the installer is. The Health Department comes down and inspects them. Am I correct? Gloria Taft: Once the City signs off it's the City's responsibility. That will not affect anything that the City is already passed and said that it's viable. Dana Bischoff James: That is a concern especially regarding some of the information that I have from some of the properties that the City has already signed off on. I just would like to see it more concrete where it has specified in each area. That's my request. To make sure it protects everyone, the City, the taxpayers and it also developers in that case as well. Faith Portman: Without this right now the taxpayers have to pay so much money. Do you all feel comfortable with it? (There was a question/concern voiced by Debbie Hawkins who lives in Sycamore Bend subdivision.) City Attorney Wantland: Mrs. Bischoff James is making some good points but I cannot foresee this ordinance ever being applicable to any homeowner who. I say it's a work in progress but with the Council having the ultimate authority to have a hearing and giving everyone an opportunity to present themselves in what they think or

not think is an issue, with that provision being in there where they have due process to come forward and say this is not what is happening or whatever, they have that ability. I think that will take out a lot of the issues you are talking about. Dana Bischoff James: I still have concerns though. I am very concerned with this. Jose' Cubero: Remember we still have to make decisions on each occurrence. Mayor Ellis: We have a motion to accept by Jose' and a 2<sup>nd</sup> by Clinton. All in favor? Motion carried 5-1. City Attorney Wantland: For the audience, what is happening here for the whole collective Council we are trying to save you literally thousands of dollars by putting something in place as a prophylactic to get everyone to keep the storm water out of your sewer plant? It costs just as much money to treat one gallon of waste water from your home as it does waste water coming in through a drainage ditch. Bernie Brown: I want to add this, EPA takes a very very dim view of infiltration and if the City doesn't get a hold of and control some of this infiltration this City is going to get fined big time and that's going to cost taxpayers a lot of money. Chuck Keith: Bernie is right. The EPA says you will fix it. It doesn't say will you please. Four rains ago one little subdivision sent 1/5 of the flow to the plant of the whole City. Two hundred eighty homes and every taxpayer in the City paid for that. Scott Fleming: Just from that one subdivision taxpayers covered 30 million gallons a year.

### **New Business:**

Mayor Ellis: Faith and I had a meeting with Jason Rice a few weeks ago discussing some issues on several homes on Eastview. Several of them have been taken care of; there is one that is in question. Faith Portman: I talked with him again Mayor and he said that he would go back out there. Mayor Ellis: Jason also said it's covered under their insurance regardless of what happens here so I asked Tammy to put this on the Agenda so we can discuss paying these guys for their work they've done. Bernie Brown made motion to pay Flynn's outstanding invoice. Jose' Cubero 2<sup>nd</sup>. Motion carried 6-0.

City Attorney Wantland read Proclamation honoring Navy Ensign John Elliot's memory by declaring Shepherdsville a **Hero City**. Mayor Ellis asked Chief Puckett to explain about this program. Chief Puckett: We attended a meeting that Highway Safety put on about a week ago and at that meeting the mother and father of this Ensign that was killed was there and gave a presentation about ending drunk driving. We've got a lot of literature we're going to give out. We are going to try and get schools involved in it. Try to get all the departments in the City involved in it. They have decals to put on all the City equipment encouraging people to have a designated driver rather than driving drunk. It's a good program. Faith Portman made motion to approve. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0.

Discussion on approval of a Parade Permit for Bullitt County Diabetes Coalition Walk to be held on September 7<sup>th</sup>. This is our second annual tri-county diabetes coalition walk. My name is Jessica Craddock; I'm the organizer for Bullitt County. We are funded by a grant from the CDC and we serve Bullitt, Shelby and Henry counties. We all have the walk on the same day and it's like a contest between the counties; we give all the walkers a pedometer and we count all the steps at the end of the walk and then we have the traveling trophy that is awarded to the winning county. The walk is free; it's for anyone to come out. We want to give out free diabetes information and raise awareness about our coalition and what resources we can offer to the county. Bernie Brown made motion to approve. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis called Tom Rosselli, Chairman of the Civil Service Board to the podium to discuss revisions to the Civil Service Ordinance: I hate to appear in front of you again. Opinion of Counsel is the foundation of what Chapter 95.761 is based on. I'm not saying it's a good law or a bad law but I'm saying it's a law that gives you the authority to make a Civil Service. As you all know it's completely inappropriate; it's not right. I, in trying to appease people went overboard and gave people the authority that they really by law in Section 90.360 which concerns the Mayor's part in punishing a person, it specifically says in that Ordinance to be enforced that 95.761 in credibility you have to go by the foundation and that says the Civil Service board hands out the disciplinary action. I feel like I owe you an explanation. We had a meeting; all 3 Commissioners agreed that we needed a foundation. We needed set paperwork to be sent out to cover ourselves and the City where there will be procedures in a row and that's the reason why I went over to see Walt Sholar and when I was talking to Walt Sholar, our Counsel, this hit us in the face squarely that, I know personally that Judge Burris is and Mr. Wantland can probably verify this, that the Judge has been

extremely patient with the Shepherdsville Civil Service but he wants it done right and we would like to rectify our problem that I put in there that the Mayor, I didn't want to cut the Mayor out of the loop, but he still has the authority to hire and fire but it's just the procedure that it has to be followed because if you're going to follow the law, some smart lawyer like Joe Wantland will find it. You may disagree that's fine but in Section 6 it spells out real clearly. Joe Wantland: You're recommending to the Council to authorize me to prepare an Ordinance Summary to adopt the changes in Ordinance #013-136 relating to Civil Service. Tom Rosselli: Either that or have Walt since he already has it. Whatever is redacted needs to be changed. City Attorney Wantland: I've asked him to send that to Mrs. Richmond already. Tom Rosselli: You all have a copy of the redaction of the Ordinance. It doesn't change the body. It doesn't change the soul of the Civil Service. City Attorney Wantland: Have Mr. Sholar send the redacted draft to Mrs. Richmond. I will prepare the Summary Ordinance for presentation to the Council if they so approve. Dana Bischoff James: As much as we beat this number into our heads, KRS 90.360, is what we agreed on in that meeting and as much as we feel like State law has a few flaws in it, however that is what we voted on in that meeting to follow the State law. We do need to make sure that is implemented, KRS 90.360, and it needs to be followed as stated. Gloria Taft: Just copy it right out of the book. City Attorney Wantland: I just want you all to direct that I'll prepare the Summary and then the redacted copy we'll get from Mr. Sholar's office to the Clerk and we'll present it at either on the 9<sup>th</sup> or the 23<sup>rd</sup>. Jose' Cubero: I just want me make sure. Tom, do you have any other concerns? We argued that obviously, everybody had their opinion about that, but we knew we were going to follow the Statute because Walt had mentioned we had to do that. Tom Rosselli: And I'm not perfect. Like I said I tried to appease everybody but I have to follow State law. What is being redacted from here is minor but the heart of the Civil Service is still there and it gives us more work to do and puts a lot more burden on our clerk and I have to keep track of a lot of that stuff because I'm the chairman and I don't mind because I have the time. But it needs to be done right and I've been involved in lawsuits a lot of times with the State Police and that was a lawsuit waiting to happen. So let's correct it and move on. Jose' Cubero: I just want to make sure that once we get this done that we're able to move forward with this. Tom Rosselli: I also have to meet with Walt about we're making up forms. When this was made the Council just threw this out. They didn't set stages. They didn't set procedures. They didn't set anything. That has to be done from scratch and that's what I have to do with Walt and the other Committee members so when I leave that person will have a way of running the operation the right way. There will be form letters that are actually there. I know you are going to get some bills but it has to be done. I could do it but I'd rather have a lawyer do it. I explained a little of what I want but it leaves Joe out so there's no conflict of interest. Bernie Brown: My question is Section 17 deals with qualifications only for the police and fire. Shouldn't that be incorporated into the Ordinance that we're going to have on Job Descriptions? Dana Bischoff James: We discussed that extensively as well. The qualifications that are set in the Civil Service Ordinance are kind of bare minimums. The job qualifications if where they will be detailed. Mayor Ellis: What you have in there is just basically for you to be able to test for that position; high school diploma, GED, so on and so forth. Tom Rosselli: I deliberately didn't put in as I said before, the reason why I don't have Major's, Lieutenant Colonels, and Chief of Police in the Ordinance describing their job description I firmly believe they need a college degree plus experience under the belt, which your Chief of Police does have. But that's for you all to decide. The only ones that I concentrated on in this Ordinance were people that were protected under the Civil Service. You're going to have to make that decision and the Mayor should have a say about that. Bernie Brown: But it doesn't include anything on the other departments. Tom Rosselli: It can follow through on the same departments. You can discuss that, how the qualifications of that person because I don't know what qualifications a sewer employee needs. Jose' Cubero: The biggest focus is we looked at the Civil Service program we had set up and it needed a lot of work. Our focus should have been to get that streamlined. We got rid of everything else and now this is our Civil Service. The other thing that was my concern was to make sure we get this in place because as soon as we get it ratified and taken care of and the City is protected that's the last thing we have left because obviously I don't want to keep bringing this up but it's been a long time. We need to get this thing resolved and get the City's Civil Service done and then we need to get the job descriptions done. I think that those are the two things to focus on so that these folks can be held accountable to make sure their folks know what they job is. Tom Rosselli: The Mayor discussed with me that there are problems that he's brought up talking about accountability about equipment. Every administration has a change over and sometimes equipment is lost. The Mayor came up with an idea that everything has to be inventoried. I know the Police Department has everything inventoried and it should be an Executive Order by him. He was

going to put that in the new Procedures Manual. Those are the things that will help us when they present a case before the Civil Service that if you're charged with inefficiency we have something to look at that has a job description that we can go by instead of a vague thing. That's what I'm trying to get at.

City Attorney Wantland stated that the next item on the Agenda should be an Executive Session item as it could result in possible litigation.

**Daryl Lee:** Had nothing to report.

**Duane Price:** Not present at meeting; no report.

**Sign in Speakers:**

**Jim Smothers:** I live at 115 Seneca Court. Thank you for the opportunity Mr. Mayor and Council to stand here before you this afternoon. We've heard the discussion this afternoon, and I want to thank you Joe personally for making a recommendation to write that letter and to get that motion moving to get this back and get it on the right track on zoning that particular piece of property. But I would ask you especially for future zoning that you consider some Ordinance or Ordinances that would deal with zoning to keep apartments compatible with the surrounding area; the number of apartments for the City in itself because they are non-revenue bearing entities as far as collecting property tax. They are a burden on the police and fire department more so than single dwelling homes to monitor what goes on there and so I know you know exactly what I'm talking about when I say Ordinances to do that so there's no sense in me trying to stand here and just keep on beating that horse to death. I just ask you to consider it and keep it within the Comprehensive Planning and Zoning Commission's boundaries and I think it would be the best for all the citizens of this community. Thank you very much for your time.

**Rick Talbot:** Mr. Mayor, ladies and gentlemen of the City Council, neighbors of the community, my name is Rick Talbot, I'm a Bullitt County resident for I guess a little over 25 years, have lived in Lazy River. I know many of you; have worked with a lot of you. My children has gone to school with a lot of your children and grown up here. I'm now a resident back in the Patio Homes that we talked about here the other day. I know we've talked about this and the reason I asked just to speak a little bit after hearing everything last week and taking everything into consideration it just really got to me how big a deal this really is what they are trying to do. My backyard runs into the property of the Bullitt 155 Masonic Lodge which I am also a member, have been for a number of years. And I can tell you those are good people. They spend a lot of money to take care of that property. They don't have to do that. They put weed killer down. They don't want it all over the neighborhood. They take care of it. It's a great place, great people, doing great things for the community. I see a lot of these people, first of all I can tell you too, I'm not running for anything, I'm not a politician, I'm not an attorney. I'm not running from the law Mr. Police Chief, I'm just here to speak as an individual that lives in the community that really likes the community I live in. I downsized. I could have moved to other communities. I could have had bigger patio homes in other communities, but where I chose to live is a great place to live. It's a great property. People take care of it. I can tell you I see these people. I see them at Lowes shopping for their own needs. I see 85 year old women and older working in their yards to take care of the yards. I see people that have yard care; that own lawn mowers, mowing their own grass in between the week because what, because they like it. They want their place to look nice and they want to take care of it. I came through the subdivision two years ago and I saw a man laying out in the yard and I pulled over real quick and ran out there I thought maybe he was dying or something. He wasn't dying; he was on his knees picking crab grass and dandelions out of his yard. This is the kind of people that live there and like that community. My concerns of the apartments that are said to be put in there is the upkeep of them, again the safety issues, we have a lane there North Maple you say it's two lanes; it's barely a one lane traffic going through that community right now. With the daycare and the church on that same property it's very difficult to get through there and especially the 20 mph speed limit. To have an apartment house in there and I'm not trying to skate over it. See what it looks like up the road. You've been up Highway 44. They have the same type apartments they want to put in there. I don't know if the builder made the apartments big enough, maybe he didn't because it seems to be a problem. There are more people that have their refrigerators and washing machines out on the front porch than they have in the apartments so

maybe the apartments aren't big enough. The lots are full are cars up on blocks; people walking around drinking; the place is trashed; drugs being sold; it's just not the type thing we bought in to when we bought that property that we want to have. I've got many concerns about that and basically I'd just like to ask you guys when you get a chance to vote on this and look at it, reconsider everything that's gone down with it, and what we have in that community and I don't think it's to the best interest to have that type of property there. In closing I'd just like to ask you for your full consideration on that when it does come up again. As a citizen and a voter I appreciate what you could do.

**Lindsey Wolff:** Hello again. I just have a real quick question. Someone came to my door at 4:30 this evening and said this might be brought back up again today. To put this to rest to Settlers Gap, what has to happen? Can you lay it out in layman's terms? If it goes to Planning and Zoning is it going to sit there and if it gets passed basically what they had suggested. Will it come back? How will we be notified so we don't have to go door to door an hour before the City Council meeting? Mayor Ellis: Once it left here it goes back to Planning and Zoning. Planning and Zoning can do whatever they want to do, they can approve, they can deny, whatever the case may be. The final authority is here with the Shepherdsville City Council. So even if the County approves yes this Council has the authority to say no. Lindsey Wolff: And we as citizens of this neighborhood have to be notified. Correct? Clinton Kline: There will be a public notice. Lindsey Wolff: What is public notice entail? It will be published in the paper and posted on the property. Lindsey Wolff: We don't want to beat a dead horse over and over again. City Attorney Wantland: You beat the dead horse over and over again. Jose' Cubero: Just keep kicking. City Attorney Wantland: The City Council does not control everyone who is a participant of this discussion. What remedies other people may do or where they go that's up to them. Lindsey Wolff: That's why we're here because we were told it could be brought back up if the minutes weren't approved so that's why we're all here again. Jose' Cubero: When it comes time and it's publicized in the paper when they are going to have the hearing, take a whole group and go see them. Lindsey Wolff: So it will be publicized before it goes to Planning and Zoning? I'm sorry. I'm just trying to make sure I understand. Daryl Lee: Let me explain the process that it goes through so everyone will be clear. My understanding is that the Council is sending it back to Planning and Zoning. Basically planning and zoning is not going to do anything but let it lay there. If someone comes in and chooses to file an application to rezone that particular piece of property to whatever, it will be notified in the paper, signs will be posted, and surrounding property owners would get notification. The recommendation of the Planning Commission whatever it may be yay or nay, is only a recommendation. The final vote will come from the legislative body which will be the City of Shepherdsville by Ordinance to be legal. City Attorney Wantland: Ms. Wolff that does not stop property owners from going into Circuit court and asking somebody to negate what we've tried to do here tonight. You have to beat the dead horse to death. Diligence is very important. Lindsey Wolff: I appreciate that. I'm not trying to be a burden I'm just trying to make sure this stops. You can see by just this show that people will be here.

#### **Department Reports:**

**Chief Layne Troutman:** I have an issue for Executive Session.

#### **Council Reports:**

**Gloria Taft:** This Saturday, August 31<sup>st</sup> starting at 10:00 a.m. and going until probably 9:00-9:30 p.m. we're having a thing called Music Memories in the Park. They say it's a nostalgic journey through music from the 30s, 40s, 50s, and today. I would just like to see a lot of people from Shepherdsville show up in support of this attempt to get music into Bullitt County.

**Dana Bischoff James:** One of the things that I would like to see within each department because we are setting standards and accountability and somebody touched on it. I would like to see inventory in every department. I've heard about going out on jobs buying tools for that job and then they walk away and disappearing after the job. At that point whether it's true or rumor, were done. I want everything documented and right. I don't know if I need to make the motion on that. Mayor Ellis: It's already being done. Dana Bischoff James: So everybody has an inventory control system that is being implemented? When can we expect a copy of the report of everything that the City has in its ownership just so that anybody who comes to us from the City or if they have questions we can say we have copies of what they have so it's just pure

disclosure. Mayor Ellis: Absolutely you sure can. Bob Ryan: As part of the year end audit I have given copies of inventory from every department head. Dana Bischoff James: Have those changed since then or are they the same. Jose' Cubero: It's an annual inventory. Dana Bischoff James: Do we have some type of tracking system so that a check and balance system. Scott Fleming: Actually we just purchased an asset management program that will be implemented the first of September so that's not going to be a problem. In the meantime inventory is still being done. Dana Bischoff James: For the Fire Department is that the same, do you all have a system that helps track or is it something that needs to be looked into? Chief Troutman: We inventory every year; everything we have. Mayor Ellis: If memory serves me right Scott the asset management program we just purchased will also cover public works as well. Scott Fleming: Yes. The next thing, this is going back, prior to the majority of our administration. The City acquired an easement in the amount of \$150,000 from 480 Cedar Grove Road. This property belongs to George Miller and this is where the City completed the interceptor. My request is that we can get a real estate data report so that we can see the amount paid versus the actual amount because this is where it may need to be brought before the Ethics Board. From my understanding it was former Councilman Larry Hatfield, who was part of this project; who was the overseer of this project. My question from the Ethics side is did he and Mr. George Miller have any prior business dealings because if so that needs to be brought before the Ethics Board. It's been stated that the proposed value of that land for this easement was approximately \$500 and the City paid approximately \$150,000. That's quite an excessive payment so I would just like to request that we get a real estate data report for that. City Attorney Wantland: Is that in the form of a motion? Dana Bischoff James: Yes sir. Gloria Taft 2<sup>nd</sup>. Clinton Kline: What is a real estate data got to do with it? City Attorney Wantland: For appraisal on the property that I would consider immediately adjacent to the Salt River that was owned by Mr. Miller; the City as I understand it put the sewer line in the wrong place. The sewer line is 38' in the ground with the owner of the property being able to build on top of it. The City did pay approximately \$150,000 for that easement in 2007, 2008, 2009. I know it was done in Mayor Tinnell's administration because I had some questions about the actual how it was done but there was nothing to substantiate the expenditure of that kind of money at all. And I did have questions about that. Clinton Kline: Where is this at? Mayor Ellis: This is the property when you turn on 480; Salt River Bridge here, the monuments are over across from Maraman Billings Funeral Home; that gravel lot right across from it. That's the one they are discussing. City Attorney Wantland: The consideration was running a sewer line for Mr. Miller's property. Mr. Miller has a right to charge whatever he can get for his property, there's no question about that. I've said that before. The question we have is did the City pay \$150,000 for a \$500 easement is what I think is being asked. Faith Portman: How much will it cost for an appraisal? City Attorney Wantland: \$400-\$500. The next question is why it was done. It could be an excessive amount. Bernie Brown: Did the Council approve it? Mayor Ellis: I was on the Council then and I did not vote for that. Jose' Cubero: At least the data will give us the appraisal. That's what we need first. Clinton Kline: So who will select an appraiser? Mayor Ellis: I'll call 3 or 4 and see who can do it. I will try to use people here in the City and if I can't use somebody from the City it will be somebody from the County. Vote was taken at this time. Motion carried 6-0. Dana Bischoff James: Just one other thing that I want to bring into the City; just a concern and actually I want to compliment Bob on this because he's the one who kind of gave me peace with bringing it up. He said better to speak of something before an incident happens than be retroactive so I do want to thank Bob for this. I'm very close to children. I work with children in sports ministry, I work with children in a teaching capacity and I know Faith, this is going to hit her as well, she works in our local education system as well. Tuesday, August 20, 2013 Michael Brandon Hill walked into an elementary school just outside of Atlanta with 500 rounds, and an AK47 and so he was ready to pull the trigger in an elementary school. The actual secretary of the school is considered a hero right now because she talked him down and out of this. The main issue here is he kept saying I want to see a police officer, obviously this guy was spiked out in his mind but I do not want an occurrence like that to happen in our schools such as that one and I spoke to our Chief of Police as well; our officers currently within a school day they enter our schools for a total of 4-1/2 hours a day which I think is fantastic. We have Sgt. Bernardi who is the School Resource Officer but in the City of Shepherdsville we have Bullitt Central High School, Shepherdsville Elementary, Bullitt Lick Middle School, Roby and Cedar Grove Elementary; I believe that I have all the schools. But that's a lot of lives and just something for this Council to think about for the future. I appreciate our law enforcement, the things that they are doing but that is just something that I would just personally like to see increase in the future. I know Bernardi does a lot of great things not only for an active shooter but he's also there and he gets more information on those kids

and things that are going on in their homes and anything else. If we can start with that generation and start building positive students who can grow into the positions that we serve in today then that's going to make the future a lot better and safer. I just want to lay that out there; things to think about. That's just a future proposal just something to think about. One other item, the Fire Department, they are doing a Fire Prevention program where they are entering into the schools; my goal for anybody sitting on Council, anybody in the community, they need eight more sponsors for the back of the tee-shirt at \$100 and I said we can do this, we can get those last few sponsors; so tonight our sports ministry will be doing that as well so hopefully we'll get that down where they are not having to pull from their mitigation fund for anything. Each student in the elementary schools in Shepherdsville will receive a tee-shirt. City Attorney Wantland: Mrs. James and this is a compliment to this Council and to this Mayor. We've had people run ads in the paper about our police and being overpaid and not being fiscally responsible when it comes to the police. But this Mayor and this Council needs to take great pride in having a School Resource Officer in our schools. I ran an editorial in the newspaper and I'll say it again putting a police officer in our schools was one of the best things we've done in this community and for this community and for people to come out and complain about that and say that they are in positions of leadership is just complete folly. So thank you. Faith Portman: I know that school employees feel a lot safer.

**Jose' Cubero:** Chief I need to get Officer Mike Miller's number. I just want to tell him thank you for taking care of that situation. We had a problem with some shrubbery that was making visibility a little hard to see around Kroger and on 44. We also found out obviously it's not a City street either. None of that back there is but we obviously want to take care of citizens concerns. I do want to bring up one thing. About a week, nine days ago I had the pleasure of going; we had four of us there at the CASA event. (Court Appointed Special Advocates) I think that the important thing is, I was a Big Brother for nine years and the only thing I wanted to say about this one this is that for everybody here in Bullitt County I know the gentleman spoke about being a resident here and taking care of a yard, but it goes the same way with the City and County, we take care of our own. We have number situations and Judge Spainhour spoke about that. We have a number of kids that don't have a voice in the Court system and you know it breaks my heart to know that I'm involved in a number of things; I'm going to try to get involved, get on the Board, but we have a lot of young children that are put in situations and taken out of their homes and given to strangers basically. Imagine yourself being the 3-5 year old and you're put in that situation. I just want to tell you that; again the challenge is the number of things going on I know Jamie, one of my friends here, he's got some things he's working on for Christmas and the things we do. But all these different things that we do, that's how we do it. If you can't give money, give your time. Just be involved. I know Dana talks about it a lot at different meetings we come to but I do want to challenge everybody to get engaged, get involved in the issues that are here.

City Attorney Wantland: I sent the Council; basically it's from AT&T, basically with a map. What that is about is that AT&T is going to have to acquire additional tower spaces in our community and it would be an opportunity if you want to authorize the Mayor to be on board to check and see if we have any property that AT&T might want to lease from us. Council was in agreement. Mayor Ellis stated let's negotiate with them and see what we can come up with.

Mayor Ellis: We have three quick items to talk about in Executive Session; we will have Chief Troutman come back. Issues are pending litigation, personnel and property acquisition. Clinton Kline made motion to go into Executive Session. Dana Bischoff James 2<sup>nd</sup>. Motion carried 6-0.

Jose' Cubero made motion to return to Regular Session. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: Thank you Mr. Mayor. The consensus of the Council is to employ the Mayor and let the Mayor handle the negotiations with Magna Seating concerning an occupational claim for a refund. The Mayor will report back to the Council and look in to that and try to make a recommendation to the Council. That's the only item that the Council has come to a conclusion and result on. And the City Council has discussed an emergency. We are involved in perhaps litigation with the tractor trailer that struck a fire truck and negotiations are breaking down between the City and the various insurance carriers. Tonight the Fire Chief has recommended to the Council that we place into service immediately another unit for the safety of this community pending the litigation with this tractor trailer company and/or driver. I would ask the Council to

consider purchasing a 1996 Pierce Pumper Fire Apparatus, Okolona Unit #8037 for the sum of \$30,000 so that we can have the unit on hand while we are involved in negotiations with resolving the property damage claim concerning our fire truck. Clinton Kline made motion to purchase the truck. Faith Portman 2<sup>nd</sup>. Motion carried 6-0.

Clinton Kline made motion to adjourn. Jose' Cubero 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 8:48 p.m.

\_\_\_\_\_  
R. Scott Ellis III, Mayor

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