

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, July 14, 2014**

Councilwoman Dana Bischoff James gave the invocation  
Pledge of Allegiance was recited  
Mayor Ellis called the meeting to order at 6:33 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 6/23/2014 regular meeting. Dana Bischoff James made motion to dispense with reading. Jose' Cubero 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis asked for a motion to approve minutes as written from the 6/23/2014 regular meeting. Gloria Taft made motion to approve 6/23/2014 minutes as written. Dana Bischoff James 2<sup>nd</sup>. Motion carried 6-0.

Mayor Ellis announced he wanted to give a shout out to the Fire Department; they did a video a couple weeks ago that went to Good Morning America for a contest featuring Fire Departments across the Country and they finished 9<sup>th</sup>. To finish 9<sup>th</sup> is something to be proud of. Congratulations.

**Old Business:**

We have to vote to bring this off the table then I'm going to call Bob Ryan to the podium to discuss the hiring of an independent consulting engineer to obtain certification on Sewer long term debt agreements. Gloria Taft made motion to bring off the table. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0. Bob Ryan: I don't know if there's anything really to discuss unless there are questions on your part. Three requests were sent out; two firms responded. There was a gap from \$3500 to \$9200 in the two quotes that responded. It's up to you, do you want to pursue this and engage these people to come out and do the review to see if the City's Sewer fund does qualify for a rate reduction. Dana Bischoff James made motion that we don't pursue this because if spending more money just to find that out our taxpayers may have to pay more on the Sewer Department is not necessary at this point. Bernie Brown 2<sup>nd</sup>. Jose' Cubero: We have information from before that you handed out to us from previous studies. Motion carried 5-1.

Bob gave his report at this time so he could leave the meeting for a prior commitment. **Bob Ryan:** You were given the preliminary copies of the Sewer Fund operation. The Sewer Fund ended the year in a very positive note. I went through and took a look at some of the expense accounts and revenue accounts and in four of the revenue accounts the Sewer came in over budget; and in the expense accounts I believe the count was 13 accounts the sewer came in under budget. We have been looking at expenses as they've come in at the end of the year; even though the bill might be dated July if it was an expense incurred in June and there is that liability we put in back into last year and even at that rate the Sewer is ending in a good financial position. There are some expense accounts that went over but the majority of them I say were under but in total there is no need to go back and revisit the budget for the Sewer to do an amendment on it. It's ending in a positive fashion. The only thing left to be decided is after the audited numbers come in on the Financial Statements is to look at the amount that Council wants to transfer out of the Operating Funds to set aside in a Construction Reserve Account and there will be funds to do that. Clinton Kline: When will we be able to look at that? Bob Ryan: The audited numbers. Smith & Company is scheduled to come in here the first part of September to being their audit. And of course that will be done by the deadline that has been set by Council, the first of November. There will be preliminary numbers I would say sometime in October to review. We're taking extra time to work on the financials for the City but they will be ready for you probably toward the end of this week or first part of next week. You'll have those in plenty of time for the next Council meeting.

City Attorney Wantland had second reading of Ordinance 014-(number to be assigned) amending prior Ordinances concerning maintenance of neighborhoods and properties, imposing responsibility for the

maintenance of real property within the limits of the City. Dana Bischoff James: I know this is something that we've discussed for a while and I reread it today and something I feel would be pertinent information to include is how we go about prior to penalties is how the officer comes out and sites if it's a verbal warning and just making sure it's in here so there is fairness across the board so somebody doesn't say there is favor over somebody else. I do apologize I should have caught that before today when I reread it. City Attorney Wantland: We trust our Code Enforcement Officer to use their discretion. Dana Bischoff James: Can we vote it in and add it afterwards? City Attorney Wantland: No. I don't think you need to it. I think our Code Enforcement Officer is using discretion in asking for the abatement first before the citation. I think that's our standard practice. Dana Bischoff James: We don't have to worry about someone saying well so and so got preferential treatment or anything? Gloria Taft: I think that would fall under Operating Procedures. Faith Portman: Do you know Mr. O'Donnell do they give verbal warnings or is it written notice right from the beginning? Sergeant O'Donnell: No. When our officers go out the first thing they do is give them the opportunity to fix it. It falls under the discretion of the officer. They can usually judge whether or not someone is going to cooperate. Bernie Brown: Mr. Wantland this Ordinance as it's written in your opinion from a legal standpoint does it adequately cover the despicable situation at 208 Circle Drive? City Attorney Wantland: It does. Bernie Brown: There is shrubbery growing up in front of the house. You can hardly even see the front of the house. You can't even see the back of the house from the street. I just want to make sure that the Code Enforcement people have the ammunition they need to do what's needed. City Attorney Wantland: I did invite Michael D. Winkenhof to be present tonight. I had to telephone him, I couldn't get a letter to him quick enough for tonight's meeting but I did give him an invitation on the telephone to come tonight. Bernie Brown: I think that was a good gesture. Faith Portman made motion to accept the Ordinance. Bernie Brown 2<sup>nd</sup>. Steve Larimore: You talked about platted properties in a development 60% completed is allowed too; is that correct. Did I hear that right? Mayor Ellis: Yes. Steve Larimore: So my question is The Greens of Heritage Hills is not 60% complete does that mean it's not covered? City Attorney Wantland: its lots in a platted subdivision with a structure. Steve Larimore: But isn't there something in there about 60% complete? Clinton Kline: It's different qualifying factors. It doesn't have to be all these on the list, it's this or this or this. City Attorney Wantland: We have on parcels of land along improved streets in common usage within the City; that would be as far as I'm concerned would be Heritage Hill streets. It does apply; it's not going to be a cure all of all but there is going to be property in Heritage Hill that may be still zoned Agricultural in the back. Steve Larimore: No. It's all Conservation. I'm talking about in The Greens, our patio homes. The Ordinance that is in place right now and gotten our grass cut and those weeds cut. I just want to make sure this one doesn't make this less enforceable. Mayor Ellis: I think it would still do it because it's lots in a platted subdivision. City Attorney Wantland: It's primarily designed to cover residential areas. Bernie Brown: On Section 2 it talks about cutting grass and weeds before they reach a seed baring stage and spreading; but then on undeveloped lots it says cut back 30 feet. Is there a conflict there because if they only cut back 30 feet on an undeveloped lot there could still be tall grass or weeds growing to the point that there is still a problem? Dana Bischoff James: There where I have concerns as well. But I think under Section One #2 it is covered there, is that correct? That line, I agree, that line is pretty ambiguous. Bernie Brown: I want to know what Mr. Wantland thinks about that. City Attorney Wantland: Yes. I think it's a step in the right direction. I think some of this is going to be a learn as we go process because I can't envision something where we're not going to get the grass cut but I have the vision that there is going to be somebody out there with an Agricultural lot right in the middle of a Residential subdivision. Bernie Brown: Then according to this they only have to cut it back 30 feet. City Attorney Wantland: We may have to readdress that at some point. You've got a lot of protection for Agricultural uses by Statute. Steve Larimore: So by Steve Plenge's house that tract that goes all the way back there, McDade owns it now and he lets it grow to hay but it's on R-3 but he lets it grow, can he do that under this? Mayor Ellis: It says that you can do for hay, wheat, barley, rye. Steve Larimore: It doesn't say that it has to be zoned Agricultural to do that. Mayor Ellis: It just says for lots used for agricultural purposes. I have a motion by Faith to accept; second by Bernie, all in favor? Motion carried 6-0.

### **New Business:**

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwayne Brumley to rezone 3.42 acres, more or less, from B-1 Highway Business to R-3 Residential located at the corner of Highway 44 East and Boardwalk Avenue. Mayor Ellis stated the

second reading will be July 28<sup>th</sup>. We do have a representative here (Angie Etherton). Gloria Taft: Which end of Boardwalk is this? Boardwalk is a U; is it the property closest to the River; the 3.42 acres. Ms. Etherton: The 3.42 is closer to the River. The 0.7 acres is the one you're picturing closer to the Highway. Dana Bischoff James: What are the plans for this? Ms. Etherton: He intends to build apartments; a small set now a large set. Faith Portman: Are they going to be the same type? Ms. Etherton: Yes they are going to be aesthetically similar. Jose' Cubero: How many units? Ms. Etherton: Eight. He's already provided the information. He didn't come tonight. We understood it to be the first reading. But he has provided the information with the parking, water, sewer and all of that. We went to two Planning & Zoning readings and he provided that there. I'm saying that to let you know he can come the second reading if you want more information.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwayne Brumley to rezone 0.7 acres, more or less, from B-1 Highway Business to R-3 Residential located at the corner of Highway 44 East and Boardwalk Avenue. Mayor Ellis stated the second reading and public comment will be on July 28<sup>th</sup>.

City Attorney Wantland had first reading of Ordinance 014-(number to be assigned) amending zoning maps of the City per request of Dwight H Humphrey to rezone 6.0 acres, more or less, from Agricultural to B-1 Highway Business located at 438 Old Preston Highway. Mayor Ellis asked what they are going to do there. Ms. Etherton: They actually have a business to go in there and it's really hard to describe without presenting a lot of questions but they are putting together craft kits. Mayor Ellis stated the second reading and public comment will be on July 28<sup>th</sup>.

**Daryl Lee:** No report.

**Duane Price:** Called to report on variance granted to McDonalds drive-thru.

#### **Sign in Speakers:**

**Greg Roberts:** I live in Salt River right over here across the bridge and I wanted to voice a complaint today about the Best Made Pallet Company that's right across the railroad behind our neighborhood. I failed to get the address. It's right there by the M3 Tractor Company and over the past month and a half he must have got a new, some kind of furnace, I don't know what they are cooking over there but the smoke from that comes out of their pipe and just smokes out our neighborhood a lot. It's already an issue dealing with their sawdust. I did go see him on July 8<sup>th</sup> and I spoke to him directly and it was a very friendly talk. Since then the smoke has been very minor. For the past week I haven't had much complaint at all and I wasn't for sure what steps I should take so this was the first thing that popped in my head to come to the City Council and at least get it voiced on the minutes. Of course my plan is if something I didn't know if I would have to come back and keep doing this to make it an issue but I'm hoping that either he can shoot his smoke in some kind of filtering system or maybe they can get reschedule and do their cooking at night. I don't know. For some reason the past week he hasn't been burning hardly anything so evidently they can. Then of course is it something safe? I didn't know what regulations were concerning businesses. I know if I had a 55 gallon drum burning garbage in my neighborhood I'd probably hear from the Police. So in the City limits and that smoke coming in I didn't know what the regulations were; I didn't know what action could be taken; but I wanted to at least voice my complaint and I didn't know what I should expect from here. Mayor Ellis: We can have the Fire Marshal go by and check it out; we can also have our Code Enforcement Officer ride by and check it out as well. We can send both parties over the check on it. Mr. Roberts: If they don't do anything to fix the issue; how will I know if there's any legal problem with their stack coming over into the neighborhood like it does. Is that something that can be fixed or how would I know what the answer to any of the questions are. Mayor Ellis asked Mr. Roberts for his phone number and said he would call him and tell him the outcome.

#### **Department Reports:**

**City Attorney Wantland:** Have you contacted the people in Wisconsin about getting the box off and giving you a date or anything? Just an update for the Council. **Chief Layne Troutman:** The original two men that

I've been talking to from Wisconsin with Seagrave; they've now turned it over to another gentleman. As of right now the Insurance Company told them that they gave them permission to take the box off; we forwarded that to them and told them they were okay with it; we're okay with it, take the box off. Now they are saying that that's not good enough. They need something from us saying that they can take the box off. I was informed of this last Friday and I'm trying to get in touch with the new contact to find out what exactly he needs from us. I'd say it's just a letter saying go ahead and do it. City Attorney Wantland: We've got a court order that says that we're not going to be damaging evidence.

**Mayor Ellis** reported that Claude was in Tennessee this weekend and injured his arm and that he's going to be out for a few weeks. He's probably going to have to have surgery on it. He tore his bicep muscle. He's out until the 24<sup>th</sup> then he goes to see a surgeon.

**Council Reports:**

**Gloria Taft:** Congratulations to the Sewer Department for coming in under budget. That's awesome. Due to the recent fatality I was interviewed by WLKY about sidewalks and I contacted my contact at Division 5 and sent him an email asking what does the State anticipate happening with sidewalks in the area because 61 and Beech Grove Road and the roads that were brought to my attention are both State owned roads. So it's not Shepherdsville bill and issue it's a State bill and issue. In summary he said that first he was sorry to hear about the death in our Community and sent his condolences to the family; he doesn't have any knowledge of future sidewalk projects but will bring to the attention of his direct supervisor and the branch manager the fact that this has happened that we are looking into sidewalks. That we need sidewalks in some areas here in Shepherdsville and he will let me know. He also gave me their contact information and gave them my contact information. And the Beech Grove Road Bypass is still on track for March 2015 letting; they are working on some minor acquisitions before the utility relocation can continue.

**Faith Portman:** I got a call from a lady in River Oaks about the ditch in the back. She said she had been told that the City would clean it out. Scott Fleming: We've already been over there, the Mayor and I and Claude and we will take care of it. Faith Portman: When do you think? Scott Fleming: We can start in the next couple weeks. We've wrapped up a couple other projects. Faith Portman: She seemed to think you all were going to come over this week and I told her I hadn't heard anything. Scott Fleming: I have not told anyone about doing it this week unless Claude has. And I don't want to speak for him. Let me talk with him and I'll get back with you and let you know.

Clinton Kline made motion to adjourn to Executive Session to discuss litigation and land acquisition. Bernie Brown 2<sup>nd</sup>. Motion carried 6-0.

Gloria Taft made motion to return to Regular Session. Clinton Kline 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: Members of the Council we had a meeting in closed session and at this time I would like the Council to make a motion to authorize Counsel to obtain necessary right of ways along Old Ford Road as directed by the State of Kentucky to complete our project. Clinton Cline made motion. Faith Portman 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: I'd like to have a motion from the Council that litigation be commenced on 242 Circle Drive, Shepherdsville, Kentucky to abate the nuisance on that property. Bernie Brown made motion. Jose' Cubero 2<sup>nd</sup>. Motion carried 6-0. City Attorney Wantland: The Council wishes to proceed and needs a motion on 400 Beech Grove Road, Shepherdsville, Kentucky to abate the nuisance on that property. Gloria Taft made motion. 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 7:23 p.m.

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R. Scott Ellis III, Mayor

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