

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, February 23, 2015**

Pastor Wayne Miller, Rushing Wind Biker Church gave the invocation
Pledge of Allegiance was recited
Mayor Ellis called the meeting to order at 6:34 p.m.

Council members present: Larry Hatfield, Dana Bischoff James, Bernie Brown, Gloria Taft and Randy Hammond.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 2/9/2015 special meeting. Dana Bischoff James made motion to dispense with reading. Larry Hatfield 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to dispense with the reading of the minutes from the 2/9/2015 regular meeting. Gloria Taft made motion to dispense with reading. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes as written from the 2/9/2015 special meeting. Dana Bischoff James made motion to approve 2/9/2015 minutes as written. Bernie Brown 2nd. Motion carried 5-0-1 absent.

Mayor Ellis asked for a motion to approve minutes as written from the 2/9/2015 regular meeting. Gloria Taft made motion to approve 2/9/2015 minutes as written. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

Presentations:

Bethany Kennedy: Thanks for having me and giving me a few minutes to discuss who I am and what I do. I know some of you and I've got some flyers for you if I can pass those out to you. I started a ministry, an organization, a non-profit called Klothe-A-Kid, we started this; or family went through a house fire back in 2009 and we had just moved into the house and our insurance wasn't final and we lost everything that we owned and we found ourselves basically homeless and stuff less but I am a fighter and things don't get me down so what I did from that was decide to start an organization for families going through horrible times; whether it's from a house fire, or loss of a job, or homelessness or whatever it is I don't really care what their situation is I just have to be obedient and do what I've got to do to help my brothers and sisters in need all around me. Klothe-A-Kid travels all around Kentucky as our goal; we have covered quite a few counties. We've served in Bullitt County quite a bit for the last couple years. We've lived here off and on throughout our married life, like I said almost 20 years. Currently we just moved to Hardin County, we've got a big warehouse out there where we house our donations but what we do for example, this coming Saturday we'll be set up at the parking lot of Trinity Life Center. They are going to allow us to use their parking lot; we've got a big trailer and we just roll up in to generally the worst areas we can find; the poorest areas in any County; and we target those families who can't put coats on their kids back; who can't put shoes on their kids feet, the dad who needs a new pair of boots to start his new job; that sort of thing and our donations are all given to us by friends and family we're not a government funded organization or anything like that; we just redistribute the donations that we get. Find the people, pass them out, encourage them, love them, help them get back up on their feet, help the kids stay warm, put food in their bellies, give them blankets for their beds. So we just take our trailer all over Kentucky and this Saturday we're targeting Shepherdsville Elementary and Nichols Elementary; we get lots of phone calls from those two schools so we chose that location to be centrally located. Our flyers have gone out in their backpacks the last couple weeks and we'll just be coming and hanging out in the parking lot; we'll feed them a little snack, maybe peanut butter and jelly and hot chocolate, all of our stuff is organized in totes, it's all labeled. We line it all up, they come out, and it's all free. We just love on them, encourage them. Gloria Taft: What time will you be there on Saturday? Bethany Kennedy: 3:00 at TLC. They are concerned about their parking lot regarding the snow

but I think it will be fine. That's what we do in short. I can talk about it all day long. I realize you guys have bigger things to discuss; if anybody has questions I would love to answer them. Larry Hatfield: Do you take adult clothing? Bethany Kennedy: We do. We started out just serving kids; that's where the name came from, and as we would go out and serve the kids we realized mom needs this and dad needs this so yes, it's full family now. Larry Hatfield: So if we want to donate I can get them to you? Bethany Kennedy: Absolutely. We actually have a couple donation drop off places, North Bullitt Christian Church has allowed us; we have a little yellow shed on their property; it's got our big Klothe-A-Kid banner and there is a little side hinged window you can push it open and drop your donations in there and then we go through and sort, fold, organize and then redistribute it throughout Kentucky. Dana Bischoff James: What time will it end? Bethany Kennedy: I never set an end time because we never know how many are going to come. Typically our events last about two hours.

Josh Edwards & Arthur Jones to give an update on the MS4 program: Josh Edwards: Just an update of where we are with the MS4 program here in the City of Shepherdsville. Currently we are under a Notice of Violation that was put down on us on December 9th of last year. Arthur Jones: We came up for inspection back on December 9th, that's when the NOV was issued. What they do every year is they come out and inspect our MS4 and say okay out of these 44 parameters, where do you stand? What's going well? What are you doing that is under compliance and what are the things that we need to work on. Out of those 44 things, they found 7 things that they feel as if we could improve on. Things that we can do better as a City and do better as a MS4 program. They targeted those 7 items for us to work on in this coming year as we go forward. So in order for us to get through those 7 items they've given us a time line to do so. The first items that we need to get done that have to deal with land disturbance and permitting come through March 31st; we have other items that are coming in April 30th, even more so September 30th, that's our big deadline and then Operation and Procedure Manual is December 31st. So going on through that schedule Josh will talk us through some of the things we need to be doing through these corrective actions to improve our MS4 program. Josh Edwards: For March 31st we have got to have our permitting process in place or at least the things going toward getting it in place; it's the Ordinance compliance; plan review, inspections, enforcement, and what they are talking about here is any piece of property that is an acre or larger or if it is smaller than an acre if it is part of a larger, let's say apartment complex or larger strip mall, if they are starting with the small part but the grand plan is something that is larger than the one acre. On or before April 30th is the illicit discharge detection and elimination plan. The plan must be submitted to Kentucky Division of Water which is located in the priority areas, field assessment activities, investigation timeframes, source tracing illicit discharges, illicit discharge elimination and enforcement actions. If you are not real sure what an illicit discharge is it's anything going in to the MS4 or stormwater storm drains that is not supposed to be there. The only thing that is supposed to be in there is water. No grass, leaves, oil, gas, anything from vehicles; it's just strictly supposed to be water. Also on the April 30th deadline is the public education and outreach program. We are working with the YMCA as well as Shepherdsville Elementary about coming in and doing presentations there to teach the kids exactly what stormwater is, how to keep it clean and the fact that if you throw something on the ground eventually it ends up in the water. So if we can keep our streams clean then we keep our rivers clean and we keep our drinking water clean. It's all just one big circle. Arthur Jones: To assist with that Josh has also taken an initiative on the Facebook page that he's created to give some instructional materials out. Part of the videos that we've created in conjunction with the County Government are going to be posed up there for people to come to and look at examples of what to do and what not to do as part of the MS4 water protection that we're doing. Josh Edwards: On or before September 30th is the dry weather screening and mapping of major outfalls. A major outfall is defined in the KPDES Permit as a storm pipe with an inner diameter equal or greater than 36" or a single conveyance other than a pipe such as an open channel or ditch which is associated with drainage area of more than 50 acres. The mapping is kind of going on now where we are figuring out where the major outfalls for each area are. The dry weather screening is actually where we will go out and have to walk up each ditch or creek or whatever you want to call it to see exactly how it looks, take pictures and keep track of if it's getting worse, is it staying the same or what exactly is going on. Arthur Jones: Under that same timeline of September 30th we also have to have developed and implement and enforce a program that will reduce the pollutants in the stormwater. Part of that is mainly and education and training portion where not only are we going out and trying to educate at the student level but we're also need to go out and educate the people in the community that are doing the

developments so if we have individuals that are coming in and putting in a subdivision or building a structure here in town, they need to know what is okay and what is not as far as erosion control is concerned because any and all of the pollutants that they are allowing to go downstream are going in to our MS4 and with Josh being tasked with protecting all of our water here in the City of Shepherdsville that is something of great concern. So we're looking at partnering with MSD and other utilities in the area that already have a training portion along with their contractor and all that other education they are already required to do. So instead of trying to create our own independent program that someone else would have to come in and audit and make sure is compliant, we are trying to do our best to make sure that we are going along with other people in the regional area so that contractors aren't doubled up on the things they are required to do. We are trying to be as consistent as possible so that we're getting all the requirements but without the City having to dole out extra monies for all this education for the purposes of keeping our streams clean. Josh Edwards: In with that, I know we didn't hit on it real big but when he said partnering up or working with MSD would be if someone takes the classes that MSD offers; a contractor, builder, developer, whatever, if they have taken those courses at MSD, and MSD mandates it, if you're going to be building in the City of Louisville, you have to do this. We are willing to say if MSD says you're good to work for them you bring up proof of that and we're perfectly fine with allowing you to do something in the City because we know MSD are sticklers. They are by the book, make sure it's done right. They will call a spade a spade. They are not just going to let you walk by just because you are somebody's cousin. On or before December 31st we have to have our Operations and Maintenance program which is more or less a book for the different departments concerning the operation and maintenance for said group. Arthur Jones: It could be as simple as putting retention around your fuel tanks. Or an operation like whenever you're digging a trench you are making sure you have silt control. Or any of those operations of things we do at the City but we just don't think twice about we don't necessarily have documentation showing us how to do it because to be honest, Claude and Chuck and everybody, they've been doing this for years and years; they haven't necessarily had to have a checklist looming over them telling them what to do because they know what they are doing, they know how to protect the stream, they know how to take care of it but for purposes of documentation to cover us for our MS4 we need to write that down. That way we're covered and we know x y and z are done for this project and therefore we are doing what we are supposed to do to protect the waters. Larry Hatfield: Are you all telling me if we dig a ditch we're supposed to put up silt fencing? Arthur Jones: It depends on where you are. Larry Hatfield: I thought it was you had to disturb an acre or more. The class I went to. Arthur Jones: Yes, however if that ditch is in the stream or close to the stream you need to be protecting that stream no matter whether it's one bucket of dirt or 30,000 cubic yards of dirt. Regardless of how much you're disturbing it is going to be up to us as a City to protect that water. We do not need to be allowing any pollutants in to our streams and the largest pollutant in the State of Kentucky is that of sedimentation. So any and all dirt needs to be kept out of the waterways whenever we're doing work near or in them. We say all that just to give you an idea of the things Josh is going to have to be doing this year. A large majority of that is the mapping and inspection that he's going to have to go through and do. Of course part of that is the land disturbance permitting and then overseeing and making sure they have proper erosion control plans in place and that they are abiding by them; that they are keeping the silt fences up and they are doing all that work. He's got a lot of hats to wear. He's got a lot of things that he needs to get done this year and work out so this kind of gives you a window in to the world of what he has to do and it's not a matter of coming out of Public Works but a matter of taking care of our MS4. He's going to have a lot of things to get done this year but through that work I think we're going to be in a better place and be in compliance with our MS4 which is at the end of the day our goal by the end of the year. By being completely compliant by 2016 what we're going to end up doing is having all the permitting and training documents created; all the Ordinances that need to be revised to be revised; any and all that protocol that needs to be established whether it be our O&M Manual or our inspections, of course all the public education outreach that he's going to be doing and then as we move forward with our storm infrastructure and hopefully in the future putting that into Cityworks all this mapping is going to be plugged right in to that. So we're going to do our due diligence to make sure that all this is plug and play ready so that when more options come available we just move on further in to the program as opposed to having to recreate these things once we get further down the line. That being said Josh is now tasked with protecting our City by protecting our water. Bernie Brown: Are you partnering with the County and any of the other cities? Arthur Jones: Yes. Currently and this is my overlook by not mentioning this earlier, currently the City of Shepherdsville is in an Interlocal Agreement with Bullitt County.

So Rudy Hawkins is tasked with any new construction that goes on in the City of Shepherdsville they must require a permit through Bullitt County Code Enforcement. As part of that he does the inspections of all new construction; however if you look at the other side of that coin and say well I'm not necessarily doing construction but I am going to be disturbing land. That's going to fall under our portion or Josh's portion of inspection, keeping track of and making sure that they have the right permits and the right erosion control plan. So we are partnering with Bullitt County and as of right now we are going to continue that Interlocal Agreement because in our opinions as we've discussed this over the past few weeks to make sure that we're doing the right thing; we are getting quite a bargain by having them do the inspections that they are doing and so we are saving in the manpower that we don't have to expend and we are not receiving permit feedback and monies but the amount of money that we would get back from that would never replace the amount of effort and monies we would have to pay out in order to do that permitting and that inspection work. As a feasibility study it is way in our favor for them to continue their services and us to continue our Interlocal Agreement. Larry Hatfield: When we got the NOV do we have so many days to respond? Arthur Jones: We were not given a stipulation of when we had to respond; we were given a schedule of this is what you should meet. Josh Edwards: They just told us we want this by this day. Larry Hatfield: Did this come out of the Louisville office? Josh Edwards: This came from Abigail Rains in Frankfort. Arthur Jones: We're been coordinating with her on a weekly basis since we've received this letting her know status of where we are, what we've done. She's aware of this presentation tonight and she's going to be copied on each and everything that we do through this entire process because we've already built a relationship with her letting her know that we're on the up and up. We want to be completely transparent in everything that we do and we want to be completely compliant. So through that relationship she has made it known to us that although this is our schedule if we're off a couple days we're going to be okay but we're going to do everything in our power to make sure that we stay to this schedule and keep everything delivered to the State on or before deadlines so that we can continue that good relationship. Bernie Brown: I think the Division of Water, didn't they review and approve the MS4 Ordinance and Program and does that seem to be okay; any deficiencies at all with that? Arthur Jones: So far in what we've reviewed our Ordinance is strong in the fact that is has in there what we need to have. It has been mainly in our implementation that we have lacked over the past couple years. And I say lack in the form of there are ways that we can improve; no matter what you do you always have ways that you can improve and get better and that's where we are right now with our MS4 because they are pushing across the State. Everybody's MS4 is getting pushed a little bit further each year. Once you get a b and c taken care of then they are going to load up d e and f because they are trying to keep every MS4 on a positive growth toward protecting the waters of the Commonwealth.

Old Business:

LTC Dan Patchin to give update on I.T. Dan Patchin: The only thing I failed to mention in the email yesterday on the update in the policies. Tammy and I have two policies that we're looking at and working to try to make it work for the City as far as the I.T. infrastructure and security. That's the only update that wasn't included in the email and it was just an oversight on my part. Bernie Brown: When do you expect to get the contracts in place and working? LTC Patchin: The contracts were signed by Tammy and we told them a March 1st implementation. City Attorney Joe Wantland: Mr. Mayor, Council, this is a time that I would still ask the Council to reflect; nothing has to be done today, have a City email site rather than a personal email site and perhaps even having City phone as opposed to your personal phone. You can have both but today with the litigious society we have people are asking you for copies of your emails, your phone records and these types of things and Council members are having to produce those. I think everybody has Amazon.com on their email site if you know what I'm saying. In other words we have our own personal stuff and we have our professional stuff but more and more all the time we need to keep them segregated and this is something to reflect on and think about. You don't have to do anything about it but just reflect and think about it.

Mayor Ellis: We still have on the Agenda to have further discussion on the request by Sheree and Norman Williams. We still haven't been able to obtain all the documentation on that at this time so I think we leave it on here and when we get the information that we need we'll discuss it. Bobby Powell is still working on trying to get all the official documentation and as soon as we get it we'll talk some more about this.

Further discussion on request by Regina Kessler of Bullitt Creek Home Owners Association for assistance with the road and street lights in Bullitt Creek. Regina Kessler: Thank you for having me again. I just brought a few things today because I don't really think we're going to be able to solve anything tonight but I did get the plat of our subdivision; if you want to call it a subdivision, it's a street. The road is 1/6 of a mile; 280 yards that we're looking at trying to fix. I brought the bank information for Mrs. Taft that she requested. And I also have the Master Deed and different changes in the Master Deed. I don't know if you want a copy of this it's pretty lengthy but you're welcome to have it if you want it. And if you would like to look at the plat to see what I'm talking about you can keep this if you need it. Do you have any questions for me? Bernie Brown: Do we know if that street has actually been turned over to the City; has the City taken that street over? Mayor Ellis: No it has not. This is another one of the subdivisions Bernie where the developer went belly up and filed bankruptcy that we've seen with several developments in the Community. Bernie Brown: Do you know what year that development started? Regina Kessler: I moved in in July 2006. The plat reads 2007. They just didn't finish everything as far as even the paperwork. We kind of have our hands up not knowing where to turn with this. We're trying to take care of it ourselves; we want a decent place to live and we've kept it up with the grass and all the work that needs to be done for a street but it's just we feel like we should be able to have some help from the City as well because we pay City taxes. Dana Bischoff James: May I call Scott Fleming up to give us a little bit of his professional opinion. Mayor Ellis: Scott is familiar with the situation too. Scott Fleming: I've actually been working with Bob Aiken in the past with your subdivision, we've got as built on the infrastructure there, the storm sewers, sanitary sewers, that is all in good shape; the catch basins are in good shape, curbs are in good shape. For the most part the paving is the problem there. Of course it didn't finish, they never put the finish coat on and that's an issue right now. They've had some of it come up over the past few years. Dana Bischoff James: So this is a matter of us taking a street over? Scott Fleming: Yes. Regina Kessler: And the street lights. Gloria Taft: How many lights are there? Regina Kessler: We've only got like 4. Dana Bischoff James made motion to take the street over and move forward with helping correct the situation. Bernie Brown 2nd. City Clerk Richmond: And the lights or just the street? Dana Bischoff James: Yes the lights as well. Gloria Taft: I think we need to notify the bank that we are doing this but the bank is going to be responsible for mowing the lots that they own. Regina Kessler: They do and they pay for their sections, we pay for ours. Gloria Taft: I don't want the City being responsible for mowing those lots. Regina Kessler: They will not be. The bank pays for theirs. We don't have any problem with them doing that. Motion carried 3 in favor; 2 opposed; 1 absent. Larry Hatfield: The reason I'm opposed to it is because when I saw the plat it was a private road and I think in my opinion, I don't know the legality of it but I think that should be deeded to City if we are going to take it. That's why I voted against it. Randy Hammond: I think the bank should be kicking in for it as well. City Attorney Wantland: We still would like someone make a deed of that right of way over to the City. We need to follow up on that but you need to find who would be in the position to make a deed to the City for that right of way. Could you come back to our next meeting?

City Attorney Wantland had second reading of Ordinance 015-(number to be assigned) proposing annexation of unincorporated territory adjoining the City referred to as KSR 245 Corridor adjacent to KSR 61. Larry Hatfield: Will we collect any tax money on this? City Attorney Wantland: I would think that we would. It's between 245 and Old 245 adjacent to 61 and near the Interstate; I would say yes there is going to be substantial taxes collected on that property. Larry Hatfield: So that's some private property too? It's not just all vacant? City Attorney Wantland: That's why we're taking it, it's a half acre of private property that is going to be developed. It's going to be part of what they are calling the Bourbon Trail. Councilman Hatfield as fast as Armstrong Engineering can get us the engineering this parcel is across the street from another parcel that has been requested be brought in to the City as well. Randy Hammond: Is the property owner in agreement? Mayor Ellis: Absolutely. City Attorney Wantland: The reason why we have to do it this way Mr. Hammond is because the State owns that right of way so the State has no objection and they've written us and said we don't have an objection; the State has agreed to waive all the legal requirements as far as publication and these kinds of things but the State says we want to remain neutral in these situation and so they are not consenting; and since the Statute says consent so we're having to go through it this way. The private property owner has agreed and has filed in this record the agreement that they agree to this annexation. Mayor Ellis asked for any comments from the audience. There were none. Gloria Taft made motion to accept. Larry Hatfield 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland had second reading of Ordinance 015-(number to be assigned) repealing Ordinance 994-328 establishing a Code of Ethics for the City of Shepherdsville. Larry Hatfield: We're just getting rid of the old one? Mayor Ellis: Getting rid of the old one to put in a new one. Dana Bischoff James made motion to accept. Bernie Brown 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland had second reading by Summary of Ordinance 015-(number to be assigned) establishing a Code of Ethical conduct applicable to the officers and employees of the City and City Agencies. City Attorney Wantland asked for a motion from the Council to read the Ordinance by Summary. Dana Bischoff James made motion. Bernie Brown 2nd. Motion carried 5-0-1 absent. Larry Hatfield: Is this the same one Joe that you emailed us? City Attorney Wantland: Yes. Mayor Ellis: This one came directly from KLC. City Attorney Wantland: Councilman Brown was very instrumental in having this edited and put in to form. Bernie Brown made motion to adopt. Dana Bischoff James 2nd. Motion carried 5-0-1 absent.

New Business:

City Attorney Wantland had first reading of Ordinance 015-(number to be assigned) repealing Ordinance 005-678: The establishment of fees for police services reimbursement. Mayor Ellis stated 2nd reading would be March 9th.

Daryl Lee: No report.

Duane Price: Nothing to report for Shepherdsville.

Sign in Speakers:

Faith Portman: In just here to let you all know we canceled last Tuesday for the Homeless meeting and it has been rescheduled for tomorrow night here at 6:30.

Department Reports:

Public Works Foreman Claude Middleton: I accept responsibility for what happened. I made the best of what I had to work with. I need more plows and more equipment. I utilized what I had. If anyone wants to fuss they can fuss at me. Bernie Brown: Was the fire department snow plow available to help? Mayor Ellis: They did the parking lot here of course but then they were on a fire here in the City for two days so those guys were pretty much out of the equation most of Wednesday through Thursday. Bernie Brown: Public Works only has two? Mayor Ellis: They only have the two trucks with the plows; we are going to get his truck outfitted for another plow and that will give us three plows but we're going to have to look at in this next budget cycle. Bernie Brown: Is three enough even with the City expanding? Mayor Ellis: We are going to need to look at some stuff in this next budget cycle. Larry Hatfield: Are those trucks heavy enough? Claude Middleton: 350. Yes. Larry Hatfield: Are they all 350s? Claude Middleton: All three of them are 350s. Mayor Ellis: That is something that is definitely going to have to be addressed in the next budget is getting some other equipment for snow removal. Claude Middleton: All the guys were working two shifts and going at it; I know there are people that are unhappy; I apologize. Larry Hatfield: Do you have a list of just City streets? Claude Middleton: Yes. Actually there are 97 miles in the City and if you grade going in and coming back out you pretty much double that. City Attorney Wantland: I think you did great under the circumstances. It was just one of those storms that just came in and it was so cold. Claude Middleton: The last storm we had this size was in 2008; we got 9 inches the other day and the day after we got 2.7 more inches on top of that; then we got sleet Saturday. We'll take care of it and make you proud.

Council Reports: None

Mayor Ellis asked for a motion to adjourn to Executive Session to discuss personnel and property acquisition. He invited Chief Doug Puckett and LTC Dan Patchin to join Executive Session for discussion on personnel and Rob Campbell with QK4 to discuss property acquisition. City Attorney Wantland: I'd like to give the Council some information concerning Old Ford Road and some direction and South East Bullitt v the City. Dana Bischoff James made motion to adjourn to Executive Session. Bernie Brown 2nd. Motion carrier 5-0-1 absent.

Dana Bischoff James made motion to return to Regular Session. Gloria Taft 2nd. Motion carried 5-0-1 absent.

City Attorney Wantland: Ladies and gentlemen there are four issues that were discussed and as briefly, Chief Puckett is going to present to the Council at our next meeting a proposal to remedy what appears to be a very inconsistent result in the pay structure in the staff officers at the Police Department and that will come up next meeting. Rob Campbell has gotten instructions concerning property acquisition particularly with a sewer line remedy on Highway 44 and everyone should be very pleased with this Council. This is an expensive project but the City is paying for this project with in-house money; we do not have to borrow any money to remedy these older and at this point insufficient capacity sewers so that's a step in the right direction for the City. This Counsel has gotten directions concerning the acquisition and completion of easements on Old Ford Road and has gotten instructions on concluding litigation believe this or not with Southeast Bullitt Fire Protection District and with the City.

Dana Bischoff James made motion to adjourn. Larry Hatfield 2nd. Motion carried 5-0-1 absent. Meeting adjourned at 8:23 p.m.

R. Scott Ellis III, Mayor

Attest: _____
Tammy Richmond, City Clerk