

**CITY OF SHEPHERDSVILLE  
REGULAR COUNCIL MEETING MINUTES  
MONDAY JULY 25, 2011**

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

In attendance were Council members Bernie Brown, Don Cundiff, Bonnie Enlow, Faith Portman and Alan Wetzel. Larry Hatfield was absent.

Faith Portman made motion to dispense with reading of the minutes from the Regular Council Meeting on July 11, 2011. Bonnie Enlow 2<sup>nd</sup>. Motion carried 4-1-1 absent.

Bernie Brown made motion to table approval of the minutes from the July 11, 2011 Regular Meeting stating there were a couple of things he would like to check on. Alan Wetzel 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Mayor Ellis welcomed everyone to the meeting and stated the AC had been fixed. He also asked everyone to keep Councilman Larry Hatfield and his wife in their prayers as Mrs. Hatfield was back in the hospital.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

Connie Rice gave the Council a progress report on what she has been doing since being hired. She stated she has sent out several letters and is getting calls every day. She stated she has posted \$3000+ from businesses that did not pay last year. She stated a lot of people didn't know how to figure the 1%, now 1.5%, withholding fee and she had helped them with that. She reported she had contacted real estate agents but has not had a good response; she is also going to contact mail carriers; and after a discussion with City Attorney Wantland it was decided bus drivers were exempt. The Council asked if she had been out visiting and talking to businesses yet and she stated she is gathering the information that will allow her to make on site visits. Mrs. Rice stated she would like to get started with that very soon.

City Attorney Wantland swore in new Civil Service Commission members Jeremy Galloway and Debbie Hawkins.

Mayor Ellis asked for a motion to surplus four police and two city vehicles to enable them to be sold on govdeals.com. After some questions answered by Chief Puckett Bonnie Enlow made motion to surplus these vehicles. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

After a complaint being made about a sidewalk in Oak Grove subdivision the City asked for quotes from three companies to fix those sidewalks and several others in the City. Bonnie Enlow made motion to table this discussion until the next meeting because we have only received one of three bids back. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1 absent.

Discussion followed on approving quote from Comfort Systems USA to replace a compressor on the rooftop unit that cools the fire department lounge and hall way in the amount of \$2935.00. The Council asked the City Clerk to check the expiration date of this service contract. Bonnie Enlow made motion to approve. Faith Portman 2<sup>nd</sup>. Motion carried 5-0-1.

Discussion followed on hiring an auditor to start the FY end 6/30/2011 audit. The Council suggested calling surrounding cities to see who they use for their audits. City Attorney Wantland stated that an ad could be

placed in trade journals specifically directed at the accounting community such as the *Journal of Accountancy* and *The Tax Adviser*. Don Cundiff asked if we were going to discuss the 2010 audit, or lack thereof. He stated the last time it was discussed it was decided to hold off until we heard back from the State Auditors. The Mayor asked the Council if they would like him to set a meeting with Stephens and Lawson and three Council members at a time to discuss the 2010 audit and try to resolve the issues with it. Bernie Brown stated it needs to be resolved. City Attorney Wantland stated we can have the Mayor hire another firm to look at the audit. Don Cundiff asked how it would help to hire someone else to look at the same information. After some discussion the Council instructed the Mayor to do whatever needs to be done to get the audit finished and present something to the Department For Local Government. Suggestion to have City Attorney Wantland and Mayor Ellis sit down with the Department For Local Government to discuss the problems with the audit and get the MAP money coming back in to the City. Bernie Brown stated the audit is what it is—we are not asking auditors to change anything. Mayor Ellis stated he would make an appointment with the Department For Local Government and go meet with them to discuss options. Don Cundiff stated this needs to be resolved as soon as possible.

Discussion followed on the information collected on qualifications of a Controller. Since the job descriptions were not local the Council directed the City Clerk to contact surrounding cities and gather additional information.

Bonnie Enlow made motion to approve payment of the City bills discussed. Faith Portman 2<sup>nd</sup>. Motion carried 4 for -1 abstain -1 absent.

Bonnie Enlow made motion to approve payment of the Sewer bills discussed. Faith Portman 2<sup>nd</sup>. Motion carried 4 for -1 abstain -1 absent.

**Planning & Zoning update-** Darryl Lee stated there was nothing new to report; and asked what the City was going to do in regard to the Text Amendment on cell phone towers.

**Board of Adjustment update-** Duane Price was out of town but called to report the only item discussed at the meeting for the City was a request by PIE Inc. for a conditional use permit for indoor pallet repair.

**Sign in speaker George Miller** addressed the Mayor and Council about a letter sent to MAC Construction about problems with his property such as drainage and the property not being seeded when the Jim Beam line went in. Mayor Ellis stated we would do some research on that and get back with him. Mr. Miller asked if the sewer rate increase was still going into effect on August 1<sup>st</sup> and asked the Council if they had read the letter he wrote them. City Attorney Joe Wantland stated that as the sewer rate study suggested it is not fair for a single family dwelling to take up the slack which has been going on for years and years, for multi family dwellings any longer. Bonnie Enlow stated there was an Ordinance in place and that it has to go forward. City Attorney Wantland did state however that he would relook at cost per gallon.

**Sign in speakers June Daugherty and Jeremy Galloway** addressed the Mayor and Council with update on the ball fields. She stated the windows had been ordered for the concession stand and Jeremy was working on the fields behind Roby; when he completed work on those fields he would get started on the fields in the park. She stated she understands very little can be done to the concession stand because it lies in the floodway. She stated she understands the City has approximately \$7100 in LGEA funds that can be spent in the park and that she has been promised the matching money from the Y. She also she has met with Tourism who has agreed to help with grants.

Mayor Ellis reported that he would like to turn a car that has been confiscated by the Police Department into the City's DARE car. He stated they have been in contact with the National DARE organization and are awaiting approval of the car's design.

### **Department Head Reports:**

**WWTP Superintendent Chuck Keith** addressed the Mayor and Council stating that the City is paying all utilities for the construction trailers at the sewer plant and asked if we should continue to do that.

### **Council Reports:**

**Don Cundiff** stated he feels we have a lot of issues that are not being addressed, i.e. Buddy McCubbins concern over his pay decrease. He stated we owe him a decision. Mr. Cundiff suggested reviewing the personnel policy ordinance and the civil service policy ordinance to address several issues of concern, such as job descriptions, and clean up current items in the ordinances. Mayor Ellis asked Mr. Cundiff if he would like to serve on a committee to look at the personnel policy and civil service policy ordinances. He stated he would. Alan Wetzel and Faith Portman also volunteered to sit on the committee. Mr. Cundiff asked the City Clerk to get copies of these ordinances to the committee members to start reviewing. Mayor Ellis stated to get the changes to Joe and let's get them done.

**Faith Portman** passed around pictures of a City right of way easement of a gentleman who lives at 305 Circle Drive of a ditch with water going all the way around to Cedarview Drive. She stated it's a mess and it's tearing up his property. The Mayor asked the Council to go look at the problem and get back to him with ideas. He would like to fix at minimal cost. It's a City easement affecting several properties.

**Bernie Brown** asked who was responsible for marking the turning lanes on Adam Shepherd and 44. He stated they need to be relined and also Louisville Water Company left a bad dip in the road when working on the ditch between Wendy's and McDonalds. Mr. Brown inquired about the progress of Quick Books being finished. Mayor Ellis stated he had spoken with Mr. Whittaker and asked that he give us starting numbers in 2 to 2-1/2 weeks. So we should have starting numbers soon so we can start entering current budget numbers. Mr. Brown also asked the other Council members if they thought the Treasurer should attend Council meetings. Everyone agreed she should be present to answer any questions they may have.

**Corky Miller** addressed the Council stating that 29 storm drain grates had been stolen out of his subdivision and this leaves the City with a great liability if someone should get hurt. He stated he has been told they are being stolen out of several neighborhoods in the City. He asked if the City could spot weld the grates to make them harder to steal. Mr. Brown stated this was a serious situation and something needs to be done about it immediately. Mayor Ellis stated we need to get prices to replace and as they are replaced spot weld the new ones. Public Works Foreman Claude Middleton stated the City does not have a portable welder so the grates cannot be spot welded. Mayor Ellis stated we would contact someone to get a price to spot weld these grates for us.

**Joe Wantland** stated he wished Mr. Hatfield was here because he knows he does not want him working on this issue. But he is very concerned about the situation with the EPA. He stated that he and the Mayor were going to have to meet with the EPA to sit down and discuss the City's situation. Mr. Wantland stated we have to be proactive and cannot sit back and have these gloom and doom reports and not do anything about them; and that's what's happening. Mr. Wantland stated we can no longer tolerate having people walking in with easements and say that the City owes them close to \$75,000-\$100,000 worth of work to their property for an easement. This has got to end. Mr. Wantland stated he knows he wants to use a different lawyer, that's your choice, but he would like to have a motion to stop that immediately. We're going to have to do this different. Faith Portman made motion to stop immediately using 2 City Attorneys. Bonnie Enlow 2<sup>nd</sup>. Don Cundiff and Bernie Brown asked stop what. City Attorney Wantland answered for one, we got too many lawyers. He stated he doesn't know who is responsible for this easement or who is signing off on these. He stated we just cannot continue this. Mayor Ellis asked WWTPS Chuck Keith if the paperwork Mr. Wantland had was all he had received. Mr. Keith stated he gave Mr. Wantland the whole thing. Mr. Cundiff asked if this wasn't done by the former City Attorney. City Attorney Wantland stated the Council doesn't know anything about it. Who directed this to be done? Bonnie Enlow stated we could go back to the minutes for 2009 but she does not remember seeing it. Mayor Ellis stated he does not remember seeing it. Faith Portman

stated if the Council didn't vote on it, it isn't legal. City Attorney Wantland stated he doesn't know what's going on but we've got to put the Mayor back in charge of that. We have got to start taking control. It's got to end. City Attorney Wantland stated that Mr. Brown was not part of the previous Council but he believes the people that are here tonight when they say they don't know anything about this. It's an easement between Billy and Frances Johnson and the City of Shepherdsville. William Wilson prepared the document so I assume somebody instructed him to prepare it. Don Cundiff asked if the Mayor signed it on behalf of the City. City Attorney Wantland stated the Mayor has initialed and signed in places. Faith Portman stated we need to see if there was a vote taken on it on 9/22/2009. Bernie Brown asked if they had the whole document. Mayor Ellis stated the first he heard of this was when WWTPS Keith brought it to him that afternoon. Faith Portman stated she thought Joe Wantland should be working on this. City Attorney Wantland stated he was definitely out of the loop and he had nothing to do with it. Don Cundiff asked when it was signed. Alan Wetzel answered 9/22/2009. Bonnie Enlow stated she feels the Mayor instructed the Attorney to do something the Council didn't know about. Mayor Ellis stated he had a motion and a 2<sup>nd</sup> on the table. Don Cundiff stated he doesn't understand what we're stopping. City Attorney Wantland stated for one thing we're going to stop using 2 lawyers. That's one thing real quick. The next is that the person speaking to EPA and other governmental agencies about the sewer projects and these types of items is the Mayor. He also stated there's not going to be any of this when we come back in here have anybody say on this Council that they didn't know this. City Attorney Wantland stated that document, he was still trying to comprehend the amount of dollars that is in this easement but it is considerable; its 6 figures what the City has agreed to provide the Johnson's and that it is a valid contract. Bonnie Enlow stated she was pretty sure that we would not have voted on something knowing that it would have been that kind of money being spent for an individual when we're not doing it for anybody else. City Attorney Wantland stated it's getting to be almost every week. He touched on a few highlights from the easement: The City will install 2 headwalls, 1 catch basin, 160 LF of 18" drainage pipe and 110 LF of 18" drainage pipe; the 4" pipe needed for the service connection and connect the existing 4" connection to the new 4" connection; haul and fill dirt in the area shown on Exhibit B, furnish and install 80 LF of 30" drainage pipe with sufficient dirt cover to grade level, construct 2 crossings on property, re-grade and relocate existing ditch to follow new sewer alignment at no cost for the property service connection to the property owner and maintain a minimum of 4' of cover on the new drainage line; the right of way shall be graded and seeded with grass. WWTPS Keith stated everything that City Attorney Wantland read, except for the service connection, has already been done. City Attorney Wantland stated that was great except that the City spent a lot of money and the Council should have known. They're the ones appropriating the money; they should know and they don't. And it's every week. Don Cundiff stated he did not understand the motion. This easement was done by the City Attorney at that time so he doesn't know what Mr. Wantland is asking for. He also stated that if Mr. Wantland is saying Larry has done something wrong that he's not here to defend himself tonight and it's out of line to accuse someone of something when he's not here. City Attorney Wantland stated he was not accusing Larry of anything. He stated he was just saying that this Council, you've said Don Cundiff didn't know anything about this. Mr. Wantland stated that's the problem he has. Don Cundiff stated that it was done by the City Attorney at that time and he didn't understand this business of 2 attorneys. He stated Mr. Wilson was the City Attorney. You weren't. Mr. Cundiff asked Mr. Wantland what he wanted them to do; he didn't understand. Faith Portman stated Mr. Wantland wanted the Council to not let this keep happening. She stated Mr. Wantland wants the Mayor to start overseeing stuff like this. Don Cundiff stated again that he didn't understand. He stated anything that Larry has done has been at the request of the Mayor was his understanding as far as working on the sewer project. He asked is that not true? Mayor Ellis answered yes, but what City Attorney Wantland was saying is if the EPA called me tomorrow and started asking questions I wouldn't have a question I could answer for them because I don't know. Don Cundiff stated he didn't think that was Larry's fault. City Attorney Wantland stated ok, let's address it. Mayor Ellis stated what he's looking at is if somebody called him tomorrow and said Mayor Ellis what are you all doing down there. He stated there wasn't much we could give them an answer on because he is not in the loop of the stuff with the EPA. He stated he does know that if we don't get this line done over here we're in a mess of trouble; but over and beyond that there's not much he could tell them. George Miller asked if the Council didn't vote on putting Larry Hatfield in charge to handle sewer negotiations. Faith Portman answered not this Council. Bernie Brown stated he did

not understand how Larry; he stated he assumed Mr. Wantland was talking about Larry Hatfield, did his name come up with this easement? City Attorney Wantland stated he was not talking about Larry at all. He stated he did not say anything about Mr. Hatfield except that he wished he was here. Mr. Wantland stated he knows Larry does not really communicate with him that well at all but somewhere down the road we are going to have to take control and have an entity report to this Council and this Council is going to have to be kept abreast of what's going on in this City such as with this easement. Bonnie Enlow stated maybe we've got a break in communication here. And correct her if she's wrong but she thinks what's being said is that even though we have different people as heads of committees within the Council; the Mayor is not getting all the information from the Committees. She stated the Committees need to communicate everything they find and discuss it with the Mayor. Mrs. Enlow asked City Attorney Wantland if that wasn't what he was getting at. Mr. Wantland stated if the Mayor is not informed he can't answer questions. City Attorney Wantland stated if he can't answer questions; he can't ask me questions or can't give me any direction. Bonnie Enlow stated she understands that. It's a pretty simple thing. She stated it would be the same in the Police Department if Sergeants didn't communicate with the Chief then he wouldn't know what's going on. It's the same basis, its nothing personal; it's just that anyone who is the head of a committee must report to the Mayor. The can't make any decisions; they can just report the information back to the Mayor so that he is informed and the City Attorney in case we're doing something wrong. To do this right all decisions have to come through the Mayor and Council. Mrs. Enlow stated she agrees we need to make everybody informed and that is what the City Attorney is trying to get at because the Mayor is not informed right now. City Attorney Wantland stated he doesn't think the Council is either. Bonnie Enlow agreed. She stated she's complained about that before. Mayor Ellis stated we just found out that somebody made a promise with folks on Beech Grove Road to fix this and we just found out about it today. He stated there's an issue with that. He stated he knows it's the former City Attorney and former Mayor that did it but we as a Council should have already known this. Faith Portman stated she doesn't feel we should first be seeing this at a Council meeting; that it's the first she's heard about it and she's not going to vote to fix the remainder of it. Mayor Ellis again stated we have a motion and 2<sup>nd</sup> on the floor. George Miller asked what the motion was worded. Mayor Ellis asked Mrs. Portman what her motion was. Mrs. Portman stated it's been so long she forgot. City Clerk Tammy Richmond read the motion to stop immediately using 2 attorneys. Faith Portman stated we need to have one attorney working on everything instead of two attorneys working with a few council members and the rest of us kept out of the loop. Mayor Ellis stated Bonnie 2<sup>nd</sup> the motion. Bonnie Enlow stated she did 2<sup>nd</sup> the motion and agrees with the motion because it is costing taxpayers money and it's causing confusion as to knowing what's going it. Mayor Ellis then called for a vote. Bernie Brown asked if somebody could read that motion out loud so everyone could hear it. City Clerk Richmond again read the motion to stop immediately using 2 attorneys. Bernie Brown stated that's ridiculous. Faith Portman asked Mr. Brown why it was ridiculous. Question from the audience if the City has 2 attorneys. Faith Portman answered yes we do, Mark Edison who is seeing a few Council members but not all of us, so he's counseling some of us but not all of us and the City is paying for it. Bernie Brown stated that was voted on by this Council. Faith Portman stated she voted no. Bernie Brown stated he didn't care it was approved. Faith Portman stated we have an invoice from Mr. Edison in the amount of \$658 to counsel a few Council members and not the others, and that's not right. She stated if she has a problem with what's going on up here she goes to her attorney and pays them herself. She does not ask the City to pay for it. City Attorney Wantland stated whatever we're doing now is not working. A member of audience asked if we have another attorney why he wasn't at this meeting. Faith Portman stated he was at another Council meeting. Bonnie Enlow stated if he was here it would cost more money. She stated she also has her own personal attorney that she can ask questions to when she needs to know what her legal rights are. Question from audience: Why have a personal attorney if Mr. Wantland is the City Attorney. Bonnie Enlow and Faith Portman both agree that it's to make sure of their own personal liability. Mayor Ellis again stated there was a motion and 2<sup>nd</sup> and asked for a vote. Motion failed 2 for - 3 against -1 absent.

**Motion to adjourn by Bonnie Enlow.** Alan Wetzel 2<sup>nd</sup>. Motion carried 5-0-1 absent.  
Meeting adjourned at 8:44 p.m.

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

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