

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
TUESDAY, April 12, 2016**

Pastor Tom Elbert, Divine Savior Lutheran Church gave the invocation
Pledge of Allegiance was recited
Mayor Brian James called the meeting to order at 6:35 p.m.

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

Mayor James asked for a motion to dispense with reading of the minutes from the 3/22/2016 Regular Meeting. Dana Bischoff James made motion to dispense with reading. Gloria Taft 2nd. Motion carried 2-0-2 not voting (LH, BB) Mr. Hatfield: Ladies and gentlemen I have again been advised not to participate in the voting. I don't necessarily like doing that but I've been advised until after the suit is over. Mr. Brown stated the same statement will go for him too. I don't like it, I'd rather keep participating but we've been advised not to while the court case is pending. I will not be voting tonight.

Mayor James asked for a motion to approve minutes as written from the 3/22/2016 Regular Meeting. Gloria Taft made motion to approve 3/22/2016 minutes as written. Dana Bischoff James 2nd. Motion carried 2-0-2 not voting.

Mayor James asked for a motion to dispense with reading of the minutes from the 4/4/2016 Special Meeting. Dana Bischoff James made motion to dispense with reading. Gloria Taft 2nd. Motion carried 2-0-2 not voting.

Mayor James asked for a motion to approve minutes as written from the 4/4/2016 Special Meeting. Gloria Taft made motion to approve 4/4/2016 minutes as written. Dana Bischoff James 2nd. Motion carried 2-0-2 not voting.

Old Business:

City Attorney had second reading and discussion on Ordinance 016-(number to be assigned) adopting Text Amendment 16-T-01 Schedule of Fees, Charges & Expenses. The schedule of fees is attached; Section 9.400 is being amended and the fees are presented to you. Mr. Lee is here on behalf of the City and the Planning Commission. Mayor James asked Daryl Lee to approach the Council also Mr. Duane Price. Duane Price: I would like to talk about this text amendment. I brought some papers down I got from our office and I thought there were some major increases in cost but my main concern is I think it was in 2012; Larry might know, and Daryl that we were going to give these fees up and I don't understand at that time or even today in 2012 we were in such a financial bind why we would have given anything up. We get 25% of the inspections; I'm not sure if we get them on all permits. If you can answer these things for me I need you to answer them because I don't know. Larry Hatfield: I was told that the City gave up 25% of the planning fees; I don't know why they did that or why they would have ever done that. Duane Price: That's what my question is. I can't understand that. We gave up the insurance tax, then took some back and gave it back again but as the City of Shepherdsville I don't understand us giving funds up that we need ourselves. Some of those numbers that you're looking at is some major increases on the fees I brought down. Shepherdsville, you know yourself we've grown since 2012 or maybe before that when all the expansion started. And I'm sure that's quite a big number of money; 25% of permits that went out for all the buildings, housing, subdivisions and everything else that taken in. I was just wondering if you all could answer some of that or help me with that or do we have to go forward with this or can we start our own; the previous administration had talked one time before about starting our own Boards, Zoning and maybe Board of Adjustments which is what I'm on. I don't know if that's feasible or the cost or what. Bernie Brown: That couldn't be done could it because we're adjoined with the County? Duane Price: That's what I'm saying that happened in 1968; that's almost 50 years ago but somewhere down the line since we're growing up. We're standing on our own pretty good and I'm wondering—we're not little brother anymore we've become a pretty good municipality so why can't we stand on our own two feet and stop giving our funds away? That's what

I'm asking. Bernie Brown: They must think they need more revenue because they are increasing some of the fees. Daryl Lee: If I can make a comment; my position hasn't changed from what I told you all at the last meeting. The Planning Commission doesn't get this money so if you think they are getting it they are not. They are only allocated money like any other division. The Planning Commission doesn't get any money from any fee increase. Bernie Brown: Didn't they agree to; there was a vote of 9 to nothing. Daryl Lee; Probably, I wasn't there and sometimes people make bad decisions. However the question that I also have is ... I had a call today from a couple builders and they said that they are getting crucified; that they County is wants to charge them for decks separately, they want to charge them for attached garages which the Planning Commission has nothing to do with that; that goes back to the guy who is running the ship, I guess, because I don't know anything about it. And I'm not going to ask Larry because I don't want to put him on the stop either because he may not know anything. Larry Hatfield: I know when we were building all that was included with your building. Now that is separate from my understanding. Daryl Lee: I don't know where that came from. It didn't come from the Commission that's for sure. City Attorney Wantland was here last meeting and indicated that the fee structure that is being presented affects Shepherdsville and Mt. Washington much more aggressively than other areas of the County. And I'm going to say this again, once again indirectly the citizens of the incorporated areas are being asked to subsidize the unincorporated areas. We're doing it with the Insurance Tax, Kevin Mooney's fees or his office, most of that is being generated by City property owners and city people. The growth in this Community is through the City of Shepherdsville for commercial/industrial; Mt. Washington is residential; and again the City taxpayer/residents are actually bearing a larger share of the finances of Fiscal Court than those people living in the unincorporated area. Indirectly I think that is what Mr. Lee's comment was. Dana Bischoff James made motion to decline this Text Amendment. Gloria Taft 2nd. I'm holding in my hand minutes from 2003 where the County was supposed to be sharing these monies that were generated and the City has been unable to locate any of those monies; they are not being turned over to the City; we don't need an increase in fees. Bernie Brown: Do all cities have to approve this Amendment? Daryl Lee: If you approve it it's only good in the City that approves it. Larry Hatfield: Our fees will remain the same? Mayor James: The City's fees will remain the same; not adopting the County tax fees which we're trying to find the last time that we've actually received any money. Larry Hatfield: I thought it was 2011. Mayor James: 2011 was the last time that the County has actually paid the 25% that they were allocating to the City. We have a motion and a second. Motion to reject carried 2-0-2 not voting. Mayor James: We will not be adopting the Text Amendment 16-T-01 Schedule of Fees, Charges & Expenses.

City Attorney had second reading and comment on Ordinance 016-(number to be assigned) closing 2.12 acres of roadway (partial Buffalo Run Road). Mayor James asked the Council for any comment. Gloria Taft: Mayor, Attorney Joe Mills is here representing the applicant. Joe Mills: I'm here on behalf of Mr. McGruder tonight; I have in my hand a Consent signed by Mr. McGruder which waives any notice requirements required by the Statute and it specifically consents to the partial closure of Buffalo Run Road. It's my understanding that he is the only property owner lying in or abutting the section of the road that is to be closed that no other property owner, person or business owner will have their egress or access impacted in any way by this partial closure. If I may, I'd like to tender to the Clerk the signed, notarized written consent by Mr. McGruder. With that written consent, unless there are any questions Ms. Taft I think that's all the information I'll provide the Council and the Mayor unless there are any questions. City Attorney Wantland: This road was developed initially for the development of McGruder farm property and it grew from basically a farm road into a paved portion and widens services in that area; it is relocation and it would serve the City well to close the old road because we're building a new road. Joe Mills: The purpose is to get started on the first building; that's what behind this petition for the partial closure. Gloria Taft: The college will have access; the greenhouse will still have access in and out. Joe Mills: The last question I asked Mr. Farris today was will anyone be impacted; the answer was no. The college, Louisville Water, everyone will still be able to get where they need to be. Gloria Taft made motion to accept. Dana Bischoff James 2nd. Motion to accept carried 2-0-2 not voting.

Mayor James: The next thing we have on old business is to have further discussion on putting in place a resolution to Eco-Tech's delinquent garbage bill dilemma. There was no one present from Eco-Tech. We will open up the floor to the Council. Larry Hatfield: Why are we getting involved in collecting debt? Dana

Bischoff James: We are responsible because we have a franchise agreement with them. Larry Hatfield: We are responsible for the balance? Dana Bischoff James: They can come back on the City. City Attorney Wantland: It is eventually going to come back because our rates are going to go up. Gloria Taft: The City has an Ordinance saying we have one garbage hauler and people aren't paying their bills; we are trying to figure out a way to make households pay their bills. City Clerk Richmond: According to this last report, it's \$140,000 in arrears. I reached out to Louisville Water again today to see what if any progress they have made in working out the bugs with their new system. I didn't hear back from Tonya before the meeting started; I did hear back from KLC about putting it on property tax bills and he said it all depended on how the franchise read. I didn't get a chance to pull the franchise agreement but I will forward it to them tomorrow and get back in touch with Mr. Coleman to see how he reads it. Larry Hatfield: How does Mt. Washington do it? City Attorney Wantland: Mt. Washington basically bills for their own sewer/water separately and the garbage in on that bill. I have spoken to Council people and my first recollection is I think we'll have problems trying to put it on the ad valorem tax bill. I think there are real problems with that; one because of the delinquency and advertisements and how the penalty applies; and these kind of things on that bill when you are talking about an ad valorem tax and then you're putting a service fee on it and I think you'll have some challenges and I don't think we'll be able to prevail. I would like the Council to think about taking over the billing for the City from Louisville Water and do exactly what Mt. Washington does; they bill for water, sewer and garbage, I think there is a \$2.00 service fee on the bill and I can tell you that the Mt. Washington collections on their garbage pickup is probably less than .5% of delinquency. It's much more effective and if Louisville Water can't do it then maybe we need to look at that option. Larry Hatfield: How are you going to read meters? City Attorney Wantland: You can contract it out. Larry Hatfield: Joe do you realize how much that involves? City Attorney Wantland: A lot of these meters now Larry are electric reading. Larry Hatfield: I understand that. City Clerk Richmond: It's possible Louisville Water would share their readings but I don't know. City Attorney Wantland: There are issues here but when you start looking at; we may with this delinquency in this Community, we're going to have issues. Larry Hatfield: Why can't they turn their water off? City Attorney Wantland: Because it's a non-essential service. I don't mind cutting their water off. Larry Hatfield: I thought it was mandated that we had to do this. City Attorney Wantland: It's mandated through the State that you have to have waste pickup. Bernie Brown: Didn't the water company say they wouldn't shut the water off? Didn't they report that a couple years ago? City Attorney Wantland: The \$140,000 is a lot of money; what is going to happen is our garbage bills, those people paying it, their garbage bills are going to start escalating to pay for the people who aren't paying. You get ready to bid this out again and I think you are going to see increases simply because of the delinquencies and that increase is probably going to reflect; it's not to offset much by the fuel, but at the end of the day the bottom line is the people who are paying are carrying a lot of people who aren't. Gloria Taft: There are people on that report that are 5 years delinquent. Larry Hatfield: We are not picking their garbage up I hope. City Attorney Wantland: We have to pick up the garbage. I didn't say do something tonight but what is the solution if you can't get the Louisville Water Company to do what Louisville Water said they were going to do several years ago. They don't have the ability at this juncture, maybe we need to step up and say we'll do the billing for our community and we'll pay you for the water and we'll collect and if you don't pay your water bill we are going to cut off your service. That may be the only way we're going to collect it. Bernie Brown: That's going to add a lot more expenses to the City too. Dana Bischoff James: But it makes it fairer for the people who are paying. I'd rather it be fair to those paying than those who don't pay for 5 years. City Attorney Wantland: I'm looking for a solution. City Clerk Richmond: I don't see us to ever take it back over; we would need to displace the Louisville Water company person at City Hall, hire a new employee to help take money, get the software for billing utilities, pay for readings, etc. Bernie Brown: Has something come up recently about the delinquents? Mayor James: \$140,000 and that's just Eco-Tech. Bernie Brown: Two, 2-1/2 years ago there were violations being delivered by Code Enforcement people. And there were some meetings set up where people we asked to come in and discuss it and a decision was made. I thought at that time that pretty well caught up all the backlog of delinquents. Mayor James: One of the biggest issues we have with the delinquency is property owners who rent their properties out and the renters are not paying their garbage bill. Eventually it comes back on the property owner. Bernie Brown: The owner doesn't know that. Mayor James: The owner doesn't know that and another problem that we run in to is the property will be sold to someone else and now you have a new property owner and there was never a lien placed on that property for garbage pickup and you have a new property owner who buys property free and clear and they get a bill

from Eco-Tech saying they are \$200 in garbage delinquency. Those people didn't know anything about that when they bought the property and they are not going to pay it. That's where the City is going to find themselves responsible to pay the bill for people that don't even own the property anymore. Bernie Brown: Hasn't the water company indicated Tammy that; I know they told us 3 years ago that in about a year they would be able to start taking care of the delinquent garbage bills. Then they had to get some more equipment and it got delayed. City Clerk Richmond: They have revamped their whole accounting system is what they did. The system evidently had a big glitch; we were supposed to meet with Louisville Water on March 23rd to discuss putting garbage bills on water/sewer bill. Tonya called and said they are just not ready yet and that there was no sense to meet for me to tell you that we're not ready yet. Give us a couple months and we'll try to meet again. I tried to contact with her today and I did not reach her. I will try again tomorrow to see what progress if any they have made. Gloria Taft: Will you ask here tomorrow when you speak with her if they would be willing to share their meter readings with the City; that way you would know if we would have an opportunity to start billing for ourselves. If they are not going to share the meter readings I don't know how we would attempt to bill. Mayor James asked Mr. Lee if he would like to approach. Daryl Lee: I was going to ask you only have one collector for the City; is that by your choice or is that a Statute? City Attorney Wantland: We as a Community elected to have a single franchisee and the City bids out the franchise; generally speaking you get a better rate for each citizen, particularly the residential citizen because the way the franchises have been working is that the receiver of the franchise is being partially subsidized by the Commercial users who by the same franchise are paying. Daryl Lee: It seems like the franchisee really doesn't care whether people pay their bills or not because evidently you all are saying we're going to take care of it. Why do you have to have that in the Agreement when you bid it out? City Attorney Wantland: Up until now the City has not reimbursed the franchisee for non-payment. Daryl Lee: Why can't you let the franchisee be responsible for his own collection? Why do you need to get involved? Why do you need to be responsible to get involved to pay? He's bid it; he's over 21, sometimes you have losses in business; you're a business man I'm sure you've had losses. Sometimes that's just the cost of doing business. If you don't want to bid it that way then find somebody else that will bid it and understand it. Mayor James: I agree. Bernie Brown: Tammy when does the bid come up for garbage. City Clerk Richmond: It expires March 2017 so the bid process will start sometime in August. It takes a very long time to go through this process. Bernie Brown: Can we amend the Ordinance and the bid package include that the franchisee is responsible. City Attorney Wantland: We can change the bid package wording any way we want too. Bernie Brown: I think that would take care of a big problem. City Attorney Wantland: We changed it last time to insure that they garbage pickup would be on one day because it makes our streets hold up better and I think the people bidding on it picked up on the idea that we were requesting that all garbage pickup be on one day. We can put that in there also that we will furnish on an annual basis our water list, commercial, residential users and see where we go from there and say they are responsible for their own collections. City Clerk Richmond: I actually send them the Louisville Water list monthly.

New Business:

City Attorney had reading of Resolution 2016-09 approving the granting of inducements to Magna Seating, Inc. for the purpose of attracting and retaining jobs pursuant to KRS 154.24. Gloria Taft: This is equal to the current inducements they are receiving, correct? City Attorney Wantland: No it has nothing to do with the current inducements. Meeting with the Economic Development Administration of Bullitt County, Kentucky and with the State Magna Seating is proposing a development and expansion of their present facility and as a part of the new project will create 170 new jobs. This 1% for seven years is what the City gave to Magna Seating a number of years ago. This can be changed any way the Council would want it to be changed. I worked with the Clerk to put in the same numbers that we did in the past as a presentation to the Council. This is a new addition, I think they have more than 400 employees now; they are planning on adding another 170 employees. Mayor James: The current employee's inducement will expire in the next 2-3 years. Bernie Brown: This only applies to the 170 newly created positions. City Attorney Wantland: Newly created positions; this is what we've done in the past; this is what was recommended to the City by the EDA Administrator that was here. We're expecting a large expansion of the Ford facility in Louisville and we would like to participate in that development. Dana Bischoff James: I was under the impression with the EDA that he also stated that we put a cap amount in it; either 7 years and/or ... I would feel more comfortable; I don't know that number tonight if it read 7 years or this amount. City Attorney Wantland: We

are having a time element. Dana Bischoff James: Is there any way of knowing what that amount would be? City Attorney Wantland: The 1% is suggested because the State will maximize its contribution as well. The maximum what the State is going to allow is 3% if we put up 1%. That's the maximum; then we are going to change our status in the next little bit and when our status changes the inducements from the State are going to change as well. Gloria Taft: The 1% is what they are currently receiving on their current jobs. So they are going to make our accounting and their accounting easier. Dana Bischoff James: I just know in the past with other companies we're also had a time line or a cap amount. City Attorney Wantland: What kind of cap do you want to put in there? The State is going to put that in there as well but you can put in there not to exceed. The big money is from the Commonwealth not from the City. The Commonwealth will put a number in there. Gloria Taft: As far as I know we've always went by what the State has put in. City Attorney Wantland: There is going to be a contract between the Kentucky Cabinet and Magna and we are a participant in that. City Clerk Richmond: I think once they reach their State amount the State notifies Brenda and she starts charging the 1.5%. Gloria Taft made motion to accept. Dana Bischoff James 2nd. Motion carried 2-0-2 not voting. City Attorney Wantland: Meeting with the Economic Development Agency one of the questions I asked is Nelson County received a project primarily for the Ford production facility in Louisville and its approximately 400 jobs. My question were we asked, were we in the running; what happened because I was unaware of anything like that. What is happening is the people who are building that facility had to have the ground, had to have it set up, and they had to have it now. So evidently this Ford production facility particularly with the aluminum vehicles, F250s, Escape, etc., it's doing really well and there is people investing in our Community and we certainly want to be in on that I would think. Mayor James: Right now our City has about 50,000 jobs and most of them are warehouse jobs. It would be nice to have manufacturing jobs too; they do pay more City Attorney Wantland: There was some since of urgency to get this commitment in here. So hopefully we can get it.

City Attorney had first reading of Ordinance 016-(number to be assigned) amending Ordinance establishing the position of Alcohol Beverage Control Officer for the City of Shepherdsville. Second reading will be April 26th.

Mayor James: We have a report on the meeting we had with Rich Frommeyer with American Legal Publishing in regards to codification of ordinances. The last codification was in 1990. The City Clerk and I met with Mr. Frommeyer in regards to codifying the City Ordinances to make sure we could break into the new millennia of proper record keeping. It's suggested to codify records no more than every 2-3 years. We're definitely going to have that in the budget for next Fiscal Year. For those of you that don't understand codification it was explained to me the basic example would be like grass maintenance ordinances, we had one passed in 1990 that the grass couldn't be more than 7"; in 1994 there was an ordinance about car tires left in the front yards and also grass can't be more than 7"; in 1998 there is an ordinance or KRS that says grass can't be taller than 4". Basically the codification takes all of these different ordinances and they put them altogether so that they make sense; you get rid of the verbiage that is no longer needed and the ordinance will then follow KRS on whatever the ordinance needs to be; that way you can get rid of 25 ordinances that pertain to something like grass height. It helps reduce everything; also during codification American Legal will publish all the ordinances on their website and directly link to the City's website. There are several companies that offer codifying services; American Legal currently does work for New York City, Los Angeles, Chicago, just to name a few of the big municipalities. They also serve locally; they do Louisville, Hillview and Mt. Washington. We were looking at other companies just as far as getting bids but this is the only company that I've found so far that has a Kentucky Bar licensed attorney on their staff. This is more of an educational update to let the Council know in the next Fiscal Year to expect this.

Daryl Lee: No report.

Duane Price: Reported the meeting was Thursday, April 14th.

Sign In Speakers:

Richard Miles, Dogwood Homes: It's my understanding on April 4th there was a Special Meeting with Floodplain Ordinance of how the City is going to manage a floodplain. Part of that Ordinance requires that

new residences to be build two feet above the new floodplain. There was a meeting four or five months ago with the County Judge, representing the Home Builders Association was myself and George Miller, John Snider was at that meeting with Economic Development, Gary McGruder and Jim Rice were there representing industrial/commercial builders and the Mayor at that time Scott Ellis was at that meeting. At the meeting we discussed that most places in Shepherdsville the difference between the old floodplain and the new floodplain is about 6". The two proposals at the meeting were that the City would require on new residences to be build one foot above floodplain which in most cases would mean an additional 18" from where it was which was 6" for the new floodplain plus the 12". The second option was 2 foot above the floodplain. Everybody in the meeting obviously oppose the 2' above the floodplain because that is very very extreme; Jim Rice calculated today that on one commercial building that they would put in an additional 12" of fill would be about \$150,000 just on inside the building not counting the parking lot. Residential construction it would really destroy us because we're basically, even with the 12" that we agreed on at that meeting we have to raise everything 18"; all of our new houses are being raised 18" from what we were building them. With the ordinance you passed at 2' we now have to raise everything 2.5' to meet that ordinance. Larry Hatfield: Make sure they understand that we're raising the pad the house is sitting on. Mayor James. That's for new constructed homes. Richard Miles: When we left that meeting the Mayor Scott Ellis at the time and everybody agreed that the Ordinance would be written at 12". When the Ordinance was passed on April 4th it was written as 24". I'm here tonight to ask you to consider making an amendment to the Ordinance changing it from 24" above the new floodplain to 12" above the new floodplain which would still have us raising our houses 18" from the old floodplain and we would be 12" above the new floodplain. The second thing I wanted to mention we also need clarification in your Ordinance on garages. Garages have never been included; it's always been living space; it's always been the floor of the house or the basement floor. The basement floor also – if you are putting a basement in the basement floor would have to be under your current ordinance 2' above the floodplain as well but garage floors have never been included in that ordinance but that's not spelled out in your current ordinance it does not make a difference in a garage floor or the floor of the house. Typically if you're putting a basement the garage floor is usually going to be 2' lower than the elevation of the house. That's something else I think we need to clarify; it does not really include the garage floor with the structure. I think it's a dangerous step to take such an excessive move at one time. To me it's an awful big jump at one time. I'm just asking the City; I think at this time if you did the 1' which is what we all felt like we could live with; that's 18" and in a couple years down the road if you want to come back and revisit it that would make more sense than doing it all at one time. City Attorney Wantland: Generally I'm the one responsible for the Ordinances and this is one that was looked at but the City did not prepare the Ordinance. That Ordinance was prepared on a Federal level and mandated on the City; if the City wishes to acquire federal funding for various projects had to pass that ordinance as written by a federal authority going through the state. I don't mind going back to see if we can get a variance or do something to help. Richard Miles: I think the CRE program is what you are referring to and I think the only thing being a part of this program is it gives residents a 5% discount on their insurance bill or something like that. The City has never participated. I don't think it's mandated and the only reason I say that is I'm on a national board for the homebuilders. City Attorney Wantland: I'll be glad to follow up on it and if we can work out something satisfactory; I think everybody thinks it's extreme. I was of the opinion that there is a lot more tied and a lot more pressure being put on localities to pass that into developments. Richard Miles: I don't think so and the only reason I say that is the last statistic I saw nationally 80% of the communities across the United States only require properties to be build out of the floodplain. They don't even have the one year tacked on. City Attorney Wantland: 2-1/2' we thought it was extreme also but I was of the impression that this is a federal mandate and there will be sanctions if it's not followed through. The sanctions that you are indicating are much different than what was indicated to me. I think everyone understands the adverse impact to our community on this and we are not trying to have that adverse impact. I was under the impression that there was serious federal money tied into this.

John Miller: I'm here on behalf on my mother, Francis Miller; she owns property on 225 E Second Street. My mother is currently in a nursing home; basically she's at the end of life stage and she'll never come out of the nursing home and I need to market her property to pay for her nursing home care. At the request of our realtor I obtained a survey of the property. The property consists of two lots one that fronts East Second Street or Joe B Hall Avenue and the other lot is directly behind the lot that front E Second Street. We had

the survey done, one, to consolidate the two lots and then 2 to find out where the property boundaries are. During the course of the survey the surveyor went back to the original City plat and through deed books to find where easements and things were and much to our surprise there were some streets that showed up here. These streets were part of the original City plat that was never built but there is no record they were ever closed either. There is two streets and an alleyway that is within my mother's property and what I'm here to do is I need to see what the process is about going forward to closing these rights of way; and seek guidance on how I go about starting that process. I understand ultimately that's something that the City Council will have to decide. City Attorney Wantland: I had the pleasure of talking with Mr. Miller previously; we have denied closure on the streets that I would consider running east west as opposed to north south a number of years ago. That was primarily to ensure that the property used for the football program would be continually be used. The same streets that we are talking about here run through the football field. Mr. Miller: No. They don't touch. When this request was made my parents have owned this property since 1956. City Attorney Wantland: It's the same streets Mr. Miller. I'm very familiar with the property. I'm not talking about your property I'm talking about the School Board requesting to close the similar streets that you are requesting to close; they go through the football field. That football field is owned by the School Board. The City declined to close those streets because they wanted to keep the property in its present condition. We understand that. I can see why your realtor would want you to close the north south properties very quickly because there are encroachments by both the house and garage. That's the Council's pleasure but I will tell the Council that this area particularly what we refer to as Joe B Hall Avenue was by prescription was just a cut through for years and rocked eventually and paved. Where the pavement is between Paroquet and the circle around the railroad tracks was just by prescription. The actual streets on the City map are further to the south toward Salt River and actually run through the football field. When Mr. Hansley developed his property in the residential subdivision that's now the Kart Kountry he closed that for use and he put in other streets. Over a period of time those streets have been closed. But the streets running east west through the school property have not been closed. When approached by the School Board it was declined. Larry Hatfield: That's not John's property. City Attorney Wantland: Not John's property but it's the same streets. I want the Council to be aware of it. John Miller: I'm not asking for those right of ways on the school property be closed. I'm just asking for those portions within the right of ways that is on my mother's property be closed. These right of ways they run between CSX right of way and basically an undeveloped E Second Street there is a portion that touches onto; I'm not sure if it touches on to the school property or whether it touches Kart Kountry property. City Attorney Wantland: I was talking about treating everyone similarly and that is we did tell the School Board that we were not going to close the right of ways and that's the east west right of ways. Mr. Miller: I don't understand your rationality there. Closing these right of ways would no way hinder the ability of these children to play football on this football field. City Attorney Wantland: I can see the School Board coming back saying you closed them for Mr. Miller I want them closed for me. Mr. Miller: These right of ways basically start at CSX property and good luck trying to get anything going through CSX property. City Attorney Wantland: I'm not trying to get through CSX I'm just trying to point out to the Council to treat everyone the same. I will tell the Council that the unnamed alley running north south where we have an encroachment by the house and the garage (Minerva Alley) I don't think that serves any purpose at all. Larry Hatfield: You saying the one in the north section from the underpass forward is what you're talking about Joe? City Attorney Wantland: There is an 80' right of way that is called Water Street, Councilman Hatfield I think that is the same right of way that goes to the football field. Where Joe B Hall is today was not a dedicated street. It was used by prescription as a cut through. Mr. Miller: If you look at the aerial photography it looks like it's not going across the football field but it is kind of at the back; it touches the parking lot of the old school and it's not going through the football field. City Attorney Wantland: I'm telling you Mr. Miller I'm comfortable saying there is two right of ways and I think one of them is Water Street that goes through the football field and the school board has spoken to the Council a number of years ago about closing the ones on the football field because the School Board wanted to sell the property. One of the reasons the School Board can't sell the property is because City right of ways are through it. Mr. Miller: So basically you're telling me that you want to take and keep these right of ways open to hinder my ability to market my mother's property? City Attorney Wantland: Unfortunately those right of ways were there when your mother built that property; and I think the encumbrances to marketing the property would be Minerva Alley which is the house and garage that there is an obvious encroachment. Whoever built the house and garage should have picked up on the fact that there was an encroachment when that was done. Mr. Miller: I

know the builder had to get a Building Permit to build it. And because it was built in the floodplain there was a number of different things they had to do for electric to get it done. That's neither her or there. I just don't see how closing these right of ways that were never developed would in any way impair the ability of these children to play football on this football field. I would imagine that if there is an application that would have to be made and then the contiguous property owner would have to be notified. I'm not sure if that would be the Bullitt County School Board or whether that would be Kart Kountry. I'm not sure where this piece of property touches but the one alley that's up here doesn't touch the school property. There is an East Street that extends down; if you look at the aerial photography that East Street was up by the old water plant and if you were to extend the west boundary of that street that would be the east boundary of my mother's property. So there is another right of way that lies between my mother's property and the school property. Larry Hatfield: I don't think we are going to be able to settle it tonight without getting Brad to look at this. I can't figure out; you're talking about the unnamed alley, the 20' right of way running right in the middle of your property. That would be running behind right through your garage and house. Mr. Miller: Yes. Larry Hatfield: Where is the other one? (Mr. Miller went to the Council bench to show Larry.) Dana Bischoff James: Could we at least do the one that goes through his house and garage. Can we at least do that one while we're investigating the others? City Attorney Wantland: That would substantially impair the value of the property. Dana Bischoff James: Should we do all of them at the same time. Mr. Miller: One thing I haven't filed this plat yet. I was going to come and see if I could get these right of ways closed because I'm going to have to go back to the surveyor and pay a fee to get it updated but I didn't want to also go in and pay separate filing fees with the County Planning Commission where I have to take this and have this plat filed. Gloria Taft: I agree with Larry I think we need to take some time and have Brad take a look at this. Look at the history to see if we've denied taking right of ways in the past and if you would give us a couple weeks to come up with something. City Attorney Wantland: With consensus of the Council you can have your surveyor start drawing up a description for Minerva Alley; I think the Council has some consensus that is going to be closed particularly where it approaches your house and garage and I'll be happy to start on that. Mr. Miller: What about the unnamed alley that is north of the house that goes east west because that does not even touch school property. City Attorney Wantland: Have your surveyor draw up that description as well then I can draw up two documents. Gloria Taft: Not knowing where it extends to how far east it goes I don't know that we could do; I wouldn't be comfortable doing anything at this point. Mr. Miller: I would have a legal description for that portion of the street that is within my mother's property; I would not be asking for closure of the whole area. Gloria Taft: But there again if we review we have to ... and we know the owners of the football field would love to have the City right of ways removed so they could sell the property then we lose the football fields for the children. Mr. Miller: I understand your motives; I don't particularly agree with the methods. Mayor James: Potentially the City may be interested in the property also because of park lands. This property is in the floodway. In the floodway means you can't do anything with it. Mr. Miller: Dana Bischoff James: We have a meeting on April 26th would it be possible for you to come back then? Mr. Miller: Certainly. Mr. Wantland should I have three separate requests; one for each right of way? City Attorney Wantland: That is up to you how you approach this. I think there may be some assistance from the Council to make sure that the City does not encroach on your mother's house and garage. I've got a consensus on that so you can be safe on having your surveyor prepare that description starting at Joe B Hall and extending to the end where is says the thread of the Salt River.

Fire Chief Layne Troutman: As everyone knows we bid out the architectural work for the fire stations that we are planning on designing to build for the City. We have about 10 calls on it; we received two bids; one bid did not come in with the correct information in it, it has no pricing of any type in it. The other bid did. One company has built over 27 fire stations; they are very well adverse in design of fire houses. For the design phase they priced it in three phases, first is the preliminary design phase; second is the architectural engineering phase and then the construction phase. The total price came in at \$29,500. It's Keyes Architects. We've worked with them in the past. It is the bid that I'm asking the Council to go with. Bernie Brown: Was that advertised for sealed bid. Chief Troutman: Yes it was. It wasn't sealed bid. Gloria Taft: What's the date on that Chief? Chief Troutman: We received it on March 1st. Dana Bischoff James: Can we get copies of those put in our box and come back and revisit it at the next meeting? Chief Troutman: We can but I'd really like to get started on the phases of it. Gloria Taft: How many entities did you contact? Chief Troutman: We received calls from 10-12 companies; we received 2 bids. Gloria Taft: So when you

advertised it you received phone calls but nobody bid on it? Chief Troutman: Right. Dana Bischoff James: Is there another process with this fire group we could contact? Just one bid ... Chief Troutman: The first time I did any research on it the company I contacted and talked to were estimating it was going to be around \$147,000 to do this work. This company has come back in at \$29,000 and the other company didn't give a price list at all. Mayor James: This is just the engineering? Chief Troutman: This is the architectural work and engineering work. Bernie Brown: Did they give a time frame on how long it will take? Chief Troutman: The last time I spoke with him he said a few months to get it started and by the time it goes out for bid probably about 8 months on construction. Larry Hatfield: How much money are you talking about total? Chief Troutman: Once we get the design phase finished we will know more on the cost; I gave them all a budget of around \$800,000 for each building. Larry Hatfield: Well I'm not going to lie to you I'm completely lost. I was not aware we were going to attempt to build two and that's why I want to have lunch with you Thursday to get brought up to snuff because I have not heard anything about it. So communications on this has been absolutely zero to me. I'm only speaking for Larry Hatfield. I don't know where the property is at and that's why I want to meet with you Thursday. But if everybody else is ready to go that's up to them. Gloria Taft: Chief and I have been discussing trying to get this going for eight months. Chief Troutman: At least. All the Council members know that there have been talks about this for the last few years because of the annexation that we've done. Larry Hatfield: I agree with that. Chief Troutman: The annexation we've done put us into an area where when they start building buildings in certain areas of the City right now they will be paying extremely high insurance rates if they can even get insurance at all. Gloria Taft: Dana and I approached some of the County Magistrates and discussed with them about purchasing or use of a building and that came to no fruition at all. So we have to do something to take care of our residents. Larry Hatfield: Where is the property located that you are going to put this? Chief Troutman: We've been talking to a couple different people about property; at this time we are trying to work out a deal and I really would like to not disclose that exact location. City Attorney Wantland: Can we talk about this at our next meeting? Gloria Taft: Can you get us copies of those bids? Chief Troutman: Get us that and in two weeks we can be ready to vote on. Chief Troutman: I can do that. I put this out to the Council the first of this month; I received one email about this from any Council member. I did receive a phone call the other night from you. But that's about it. Dana Bischoff James: I do want to make this statement the reason we don't discuss land acquisition if we are looking at a certain area and then the landowner substantially increase those rates to an excessive amount where we can't purchase it; because of that we do not discuss it in an open meeting. I've heard a lot of rumbling about that but I want to make it very clear that we are protecting the taxpayer's dollar. Mayor James: Chief I think everybody wants to wait two weeks. Chief Troutman: Alright.

Tom Rosselli: I want to bring to your attention, I have a gentleman's agreement with the previous Mayor that I notify him when I'm going to see Walt Sholar about certain issues about the Civil Service Commission; I am going to see him next Thursday hopefully with the other Commissioners because this has been brewing for a long time and I blame myself for this but I have brought this to the attention of the Mayors in the past. What needs to be done is in 2006 when you originated the Civil Service it was a very honorable and admirable thing that you did but it was so messed up; the first one I'm not blaming anybody here but it was bad. The second one was bad. This one is pretty good. We're going to go over this one. But what I really wanted to discuss your City Policy and Procedures Manual; it's very bad. I was going to bring that to your attention and I want to thank you very much because you were kind enough to listen to all the suggestions that I made and I want to apologize to some of you Council Members because I was trying to do this discreetly. In 2013 Mayor, you got an anonymous letter in your mailbox and it was from me. You had two meetings that I actually gave you a copy of; it was Monday, May 13, 2013 and May 20, 2013 I was trying to give you a heads up discreetly on the ramifications and problems you are going to have with this Civil Service and that was fully discussed and it came to remission just recently because when you write a policy manual and it doesn't jive with the Civil Service Ordinance, it puts the people on the Board in a very delicate situation where they have to follow the Ordinance and follow State law and if the next time when you; and I strongly suggest that you make up a new policy which you are already going to do; and your policies and procedures manuals for each department; I talked to all of the Department Heads today except for Scott Fleming. What you need to put in place so you won't have this problem we had recently is you just didn't follow the Civil Service Ordinance and the reason why you didn't is because you don't have policies and procedures in place in each department; not all departments, police and fire have one, the sewer

department has one; the work department and administration does have one and you are working on that. When you draft another policy manual please keep in mind it needs to comply with the Civil Service Ordinance because it puts us in a hard position that we have to turn something away you may have a valid case but you didn't follow procedures; you don't have them in place so you need to work on something like that. I know it's a difficult problem; you've got a lot of problems but ... Mayor James: You inherited a mess just as I inherited a mess. I plan on the both of us working together getting policy procedures, getting everything ironed out in all of our departments so that they all correspond with Civil Service; job descriptions; and also have a proper procedure for employee reviews too. We're starting at ground zero right now; we're working our way forward in several of our departments. We're doing good things right now.

Gloria Taft: On April 8th we opened the sealed bids for the Alpha Way project. I put into each Council person's box a copy of the bid tabulation. We received 8 bids ranging from \$3.39 million up to \$4.91 million. Qk4 has taken those bids and tabulated them down; each person has a spreadsheet but I will send you an electronic copy. What Qk4 has done is they have gathered all of the details from all of the bids and put it on one spreadsheet for us. We will be having a meeting tomorrow at 4:00 p.m. here to discuss the bids and for the Committee to be able to bring their recommendation to the Council at the next meeting who the bid should be awarded to. So if there are any questions from the Council over the next couple weeks please make those known because it is important for our timeline to be able to award this Contract at the next Council meeting.

Bernie Brown: About a month ago I talked to Rob Campbell, Qk4 and asked him about the traffic study on Conestoga Parkway. He said that they were done with it pretty much and they were ready to present it to us. Are there any plans for that to happen pretty soon? Mayor James: There can be. Bernie Brown: I think we should at the next meeting.

Dana Bischoff James: I just want to thank the many people that came tonight. It's very nice to have the public involved and I would like to go in to Executive Session regarding a Personnel issue and would like to call Mr. Dan Patchin and Mr. Bob Ryan to join us.

Larry Hatfield: When are we going to replace the Ethics Board people? Mayor James: We have 60 days by Ordinance and I spoke with the remaining Ethics person, Pam Peveler, who plans to stay and I asked her for her opinion on people that she would like to work with to be considered. We're working on it.

Dana Bischoff James made motion to adjourn to Executive Session. Gloria Taft 2nd. Motion carried 2-0-2 not voting.

Gloria Taft made motion to return to Regular Session. Dana Bischoff James 2nd. Motion carried 2-0-2 not voting. City Attorney Wantland: The only thing I'd ask at this point is there anything from the Council other than a motion to adjourn?

Gloria Taft made motion to Adjourn. Dana Bischoff James 2nd. Motion carried 2-0-2 not voting. Meeting adjourned at 8:29 p.m.

Brian James, Mayor

Tammy Richmond, City Clerk