

**CITY OF SHEPHERDSVILLE  
CITY COUNCIL REGULAR MEETING MINUTES  
MONDAY, October 9, 2017**

Councilwoman Gloria Taft gave the invocation

The Pledge of Allegiance was recited

Council members present: Gloria Taft, Mike Hibbard Sr., Lisa Carter, Donna Burke, Stacey Cline and Bonnie Enlow

Mayor Hockenbury called the meeting to order at 6:32 p.m. and announced the Special Meeting to hold a budget workshop will be October 10<sup>th</sup>, 6:30 at City Hall.

Mayor Hockenbury reported that due to illness minutes from the 9/25/2017 Regular Meeting and 9/26/2017 Special Meeting were not ready.

Mayor Hockenbury introduced Jonathon Eade a partner with the accounting firm Jones, Nall & Mattingly. I want to give everyone an update on our pre-agreed upon procedures engagement and with our agreed upon procedures engagement it did include certain forensic procedures that we performed as part of that. And just to clarify we were working with a budget with \$10,000-\$15,000 which \$10,000 was approved in a prior Committee meeting. I want to make sure we clarify exactly what we are performing because there was a question on whether we were doing forensic audit but we were doing forensic procedures looking at certain expense accounts and we also inquired with management about certain things requested by the Audit Committee. Recently we provided a draft of our report to the Audit Committee to review. We also met with the Mayor, City Attorney and two members of the Audit Committee to discuss our findings that we have and we also provided a copy to the City Controller so that we could also respond to any type of findings that we have and to give you an update going forward we did receive management responses today but we have not had a chance yet to evaluate them. We would like to work with the Audit Committee, provide some recommendations to the Council as far as what we want to do going forward. Whether we should do additional work based on what we've discovered so far or not. That's where we are with that engagement and our goal is to work with the Audit Committee and be able to provide some recommendations by the next Council meeting. That's our stated timeline and if anyone has any questions ... Mayor Hockenbury: Understand that they approved the \$10,000 and contacted me with a balance of \$14,000+ now and said you would go to \$15,000 to try complete. Jonathon: That's the next piece of business I want to discuss with the Council. We worked with the Audit Committee as far as letting them know how much time we spent related to this engagement and currently, Mayor when we talked last it was approximately \$14,000 and as of September 30, 2017 we're at \$17,000. We've communicated this to the Mayor because we did have some additional meetings after we met the \$10,000 mark so we would like to request a \$5000 increase to make that \$15,000 for the total of the engagement. We probably will end up in a range of time closer to \$20,000 but we would at least like to wrap this portion of the engagement for \$15,000 and then decide whether we want to move forward based on any findings. We have communicated this with the Audit Committee; that's all I have to update for the Council so you all also know what's going on. I know some Council members may not have heard from the Audit Committee so we wanted to make sure we communicated with the Council also. Donna Burke: If you were given a limit of \$10,000, I know you indicated if that changed what you would do to a forensic procedural. I guess I don't understand why if you were given a \$10,000 limit you would not have taken that into consideration for the follow up meetings that were necessary to complete the audit. Jonathon Eade: We didn't necessarily know the time we were going to have with all these follow up meetings. We've been requested by the Audit Committee a number of times to sit down and meet with them. There have been 2 or 3 separate meetings that we've had to discuss various findings. Our plan was to be able to present this at the \$10,000 limit but once we incurred these additional costs from these meetings we didn't want to just stop because we wanted to continue to work with the Audit Committee in order to get you a product that you could take. Donna: So, you're charging by what you said at \$17,000 at this point, \$2500 for every additional meeting? Jonathon: No, what we do is,

and I'll be happy to share with you our time, we have everything broken out, it might not necessarily be all for those specific meetings and there is also a lot of correspondence that we've had between the groups. I have provided Mayor Hockenbury with a summary of all our time related to those different conversations related to that work. Bonnie Enlow: Are you saying us to approve the \$5000 over the \$15,000 that we're at now or over the \$10,000. Jonathon: Just over the \$10,000. Then we will cap it at \$15,000 regardless. We'll probably end up with \$20,000 in time. But in order to stay within your original budget that's what we were given originally back in November, \$10,000-\$15,000 range, but only \$10,000 had only necessarily been approved, that was part of the reason for coming to you; to give an update and also request that additional \$5000. Bonnie: We've come this far and we've spent this much and we're at the end. And we're going to get \$20,000 worth of work for \$15,000. I will make motion to approve the \$5000. Stacey Cline 2<sup>nd</sup>. Gloria Taft: Can we be guaranteed we're stopping at this amount? Jonathon: Correct. Gloria: Until at least we get a final report and any word through the City Attorney to find out if any other steps need to be taken. I don't want to keep spending money. Jonathon: Exactly, our plan is to actually provide you with a final copy once we've evaluated management's responses. We just need some clarity on a couple things to provide you all with that at the next meeting. Then let you determine with our recommendations and with the Audit Committee's recommendations decide what you want to do. You are correct, we still have some work to do but it will be capped at \$15,000. Stacey Cline: Some of us up here are not on the Committee, can you send us a copy. Jonathon: Yes, that's what I'd like to do is we're getting additional clarity from the Committee and also management's response that we just received today. As soon as we have that we would like to share a draft with the actual Council before the meeting so that way you all have the time to evaluate what your responses are going to be and also recommendations, we're going to provide those to you before the actual meeting so then when we come and present we hope to have a productive meeting and then decide based on our recommendations, the Audit Committee's recommendations, and what you all feel to be the necessary next steps. I would like to get that to you two weeks before the next meeting. Gloria: Today is two weeks before the next meeting. Jonathon: Let me talk with Mayor Hockenbury and we'll come up with a date where we can get all parties to make sure we respond to everything and be able to provide you with a draft that date. I will let Mayor Hockenbury know what that date is. Motion carried to cap cost at \$15,000 6-0.

### **New Business:**

City Attorney Sholar had first reading and public comment on Ordinance 017-245 on request from Rolling Acres/Electron Properties to rezone 532.76 acres, more or less, of various parcels along I-65 from Cooper Run Road south to Chapeze Lane from AG to IL Light Industrial. (Ordinance sponsored by Mike Hibbard) Eric Farris: on behalf of the applicant, provided the Council with better graphics to give background on this property. The applicants consist of Rolling Acres Farm which is owned by the McGruder family and a number of entities, Electron Properties LLC, Salt River Investment LLC which are part of the Flynn Group of properties. These folks have come together on the recommendation of the Bullitt County Economic Development Authority to bring this to you as a single 532-acre application by joining them. It may be the largest rezoning the City has considered that I've ever seen. This property is 210 acres of the Rolling Acres property and 322 acres all that property lies west of I-65; none of it is east of I-65. The front lies between 65 and Preston Highway south of Cooper Run and some space above Chapeze Lane. It does not touch Chapeze. The new interchange is also shown which is included in the Federal and State budget for construction. The State has already communed with the property owners for the acquisition of the right of ways and there is already a time set for the letting of bids on this property within the next 9 months. It is a significant development and the Economic Development folks believe it is important that we get this property ready for the anticipated growth that will continue for the City. You know about the 480 growth, the anticipated Velocity 65 project, that project along with the continued growth the need to establish a safe outlet for residents, the school on 480 are what brought about this interchange. With that interchange crossing over to Preston Highway it's going to open up additional opportunity for development and we want to be prepared to present that to future businesses that are anticipated to come to this area. The second exhibit I provided you shows the City's growth has progressed over the years. This area is trending toward this type of growth; we presented the information to the Planning Commission, there were property owners in the area who addressed the Planning Commission who spoke of concerns regarding traffic and drainage. As a result of that in an effort to work with the Commission on the timing the property owners have agreed

to the Restriction that no work is to be done ground up on the property until the bids are actually let for the construction of this interchange. That gives the property owners some relief in knowing that things aren't going to be continuing to be thrown in here without an outlet for all this traffic. It also gives the applicants the opportunity to do some infrastructure work which won't have the same impact on traffic. The City has looked to the future and taken the step of building Alpha Way which is primarily to serve this new interchange and be an outlet for the 480 traffic onto that interchange and this is the natural outgrowth of that. The Commission sent it to you with a favorable recommendation with the restriction we discussed. No questions from the Council or comment from the public.

Approve Parade Permit for Bullitt Central Homecoming Parade on October 19<sup>th</sup>. Bonnie Enlow made motion to approve. Donna Burke 2<sup>nd</sup>. Motion carried 6-0.

Bryan Slade with Eco-Tech addressed the Council on new ordinance clarification. We wanted to provide a brief update regarding the new Ordinance communication so we can get some information to you we think might be important. As you know the new Ordinance has passed which allows for suspension of services as people have not remained current on their bill. We did make notification on our invoices that the new Ordinance was passed. I want to give you a summary of what that encompasses as we sit here today. We have currently 550 residents that are past due. So many of these could be part of your responsibility of the City I just want to make sure you are aware of that. Of the 550 we have 155 who are active residents that owe \$250 or more which we would consider a substantial amount of money for the services we provide. We wanted to take a moment to make sure you are aware of that because we have not executed against that other than having sent the notification out on the recent bills. We got a number of calls so people did read the bills so they know they will be subject to interruption of services. We just wanted to bring that information to you so that you knew the entirety of the complexion of the current residents and see if you have any questions. Bonnie Enlow: It sounds to me like you are going back on all the old ones before we passed the new Ordinance. Is that what you are doing? Bryan Slade: That would have been preexisting customers. Bonnie: Wait, can they go back. Does our ordinance allow for them to go back retroactive before we passed that they could cut off service? City Attorney Sholar: The Ordinance doesn't have anything to do with, for instance going back and collecting money from somebody that owed from last year. But if somebody is delinquent in their debt to the trash hauler; once it reaches that point from the date forward; for instance, if I owned them \$1000 from last year the way that Ordinance is drawn, if I'm delinquent in my bill to them they don't have to pick up my trash anymore. Bonnie: Right. I wanted to clarify that so we understand. Bryan Slade: Can I make sure I understood that correctly? If somebody owed \$1000 from prior collection responsibilities; did I understand you to say we can only start the collection procedures from the day the new Ordinance went into effect? City Attorney Sholar: You can start your collection procedures whenever you want. We don't have anything to do with that. The Ordinance authorizes the collecting company to suspend the service if there is a failure to pay the bill. Bryan Slade: That having been said those are statistics I wanted to share with you about how many people the City might be ... City Attorney Sholar: It strikes me that the City needs to be getting geared up to deal with logistically, and so forth the means by which, if we've got that kind of numbers, as soon as they let us know that is there we need to get ready to see if there is trash accumulating or if there is a violation of the Ordinance requiring trash to be collected and send that notice out to whoever those persons are at that location. Bonnie: Whoever is supposed to do the notifying to our Code Enforcement Officer we need to have it cc'd to the City Clerk because right now our Code Enforcement Officer is out sick. We need to make sure that more than one person is getting the notice. Heather Pettell, Office Manager, Eco-Tech: Another issue, we've had two calls saying if I don't pay this, you all don't have to pick up my trash and I won't have to pay you anymore. They want to get around having to use a trash service at all. City Attorney Sholar: If you all would bear this in mind, and I've not had a discussion with John at all, but you may be looking at two different things. I'm hearing that it is a violation of a City Ordinance for someone not to be utilizing the City's garbage collection. That's one issue. What the City is going to do about that is one thing; the other issue is the accumulation of rubbish. For instance, if I don't generate any garbage at my facility, if I carry my garbage out of my building in a bag to my home which is outside the City and I deal with it in some fashion that doesn't concern the City I don't think I'm generating any rubbish. Whether or not I have to have a garbage service that's a question I'm not prepared to answer tonight. But if I decide to use another garbage company instead of the

one the City has contracted with then I'm clearly in violation of that. But if I take and dispose privately of my refuse in a legal means then I may well be okay with regard to that. But if I start letting that garbage accumulate ... We have two different issues that the Code Enforcement Office is going to have to be dealing with. Mayor Hockenbury: Once we get notifications I'll direct John Bradley to that location and even though they haven't picked up garbage or paid the bill you have to see that garbage there. He can't give you a citation for not paying your bill; he has to see the rubbish. Donna Burke: That also follows that if someone chooses to do legally dispose of their trash but they still have a balance it doesn't leave the trash company without the ability to have litigation to go after those people for whatever balance they owe. Heather Pettell: That's another issue, people putting their trash in their neighbors can. Gloria Taft: The Ordinance addresses you have to come to the City to show you have a business or residence within the City limits; you don't have to have service for both but you have to have service for one or the other. They have to have garbage service at either their business or residence within the City limits. City Attorney Sholar: I'm not sure of the constitutionality of telling me I have to enter into a contract with a private company. You can require me to use that company as opposed to any other within the jurisdiction; I feel confident of that, I'm not prepared to tell you tonight that you can't have that but it causes me to have some constitutional red flags to come up when I hear we've got an Ordinance that says you must go out and contract with somebody whether you need that service or not. Donna Burke: Here's the issue you have, someone decides two weeks out of the month they don't want picked up but they want to be able to have it picked up the other two. Lisa Carter: Have you all started not picking the trash up yet? Heather Pettell: No, we haven't. We want to make sure we notify everybody first. Lisa Carter: Were the notified 1-2 weeks ago? Heather Pettell: On the 3<sup>rd</sup>. Everybody that was delinquent we highlighted, everybody else just went through. Lisa Carter: At what point are you all not going to pick trash up if they are delinquent in payments? Heather Pettell: We're starting on the first high dollars ones of the 150 that will be left next week. Lisa Carter: With John being out on medical, who is going to be in charge of Code Enforcement? Mayor Hockenbury: He is supposed to be back next week. Bryan Slade: If there is an issue with John we can wait another week that's not a problem. Mayor Hockenbury: If you can thank you. Donna: These for October 3<sup>rd</sup> were 30 days late at that point? Gloria Taft: Is there any way we can give John some backup knowing that we've got potentially 550 coming? There are Police Officers that drive around the streets 24/7; we have Public Works guys that drive around on our streets. If they see trash piled up at a house they could write down the address and pass it to John. Mayor Hockenbury: I will get with John Bradley; get my finger on this so I can get a pulse on it so I can tell this Council what's going on. I'll definitely be involved and I'll get in the car and ride with him; I may entertain Faith's help and the Police Department.

#### **Old Business:**

Mayor Hockenbury recommended leaving the speed hump issue on the table. Donna Burke: You have to bring it off the table then put it back on or it dies and will have to be introduced. Gloria Taft made motion to bring the speed hump issue off the table. Mayor Hockenbury: Chief McCubbin has the speed eye out there now and he is going to give us some statistics. Donna Burke 2<sup>nd</sup>. Motion died 3-4. Mayor Hockenbury broke tie to leave it on the table. Donna Burke: We are leaving it on the table so it dies. Anyone who wants it reintroduced has to reintroduce it.

**Daryl Lee, Planning & Zoning Appointee:** No report (Reported grass at Melton's was high again.)

**Duane Price, Board of Adjustments Appointee:** No report

**Sign in Speakers:** None

#### **Department Head Reports:**

**Public Works Foreman Tom LaFollette:** Asked to go into Executive Session to discuss a personnel issue.

**Community Planning & Development Director Faith Portman:** Reported the next Farmers Market is Saturday, October 14<sup>th</sup>. You can also "Chat with the Chief" while at the Farmers Market. The upcoming Craft Fair now has 60 vendors. Have been working on *Light Up Shepherdsville*, which will be December 2<sup>nd</sup> at City Park.

**Council Comments:**

**Donna Burke:** The KLC Conference the Mayor, Gloria and I attended last week covered the CERS issue and encouraged all in attendance and anyone we could encourage to contact our representatives for the separation of CERS. One of the things that was key in that is that the monies that are in that fund 73% of it belongs to CERS yet we have no seats, basically no representation for the money that we have. So there every reason to separate in order to make sure that the money we have goes to the people it should be going to because from what I understand there is no issue in CERS in being fully funded by the time it needs to be. That is a very important issue they discussed. They have some neat breakout sessions; we each went into different sessions. One of the keynote speakers, something that would really be interesting for beautification was something called Wikiblocks which is an idea of Pop Up Shops and things like that you could do where you could take an unused building and use part of it for a weekend where people that have thought about trying to do a business could take a weekend to try that out and over that weekend have everybody come together and set up little shops. It would let people get their feet wet that have entertained going into business but didn't know how it would go over to be able to do something along that line. Wikiblocks was actually something that they built these buildings using a lade that is connected to a computer so they got patterns, some of them were like jigsaw puzzle type fittings together that they were actually building little houses with; coffee tables benches. There was throughout the whole Conference many great speakers that were there. I was surprised because it was the first one I had attended and a lot of times your general session is like something I've been in; not necessarily with the City but many Conventions and general session is something that you really struggle to get through but each speaker that they had were really informational and it was a great thing to be able to attend. I am still pursuing WAG (write about good); I'm going to try and get a grant for that starting out with Shepherdsville Elementary schools first and thought about having a contest to begin with where each of those schools has their students go ahead and write about something so that winners from the different schools, their winner gets to participate in a paint party that will paint the dog that we are going to use as a Mascot that will be hung in the different schools. I've got Betty that owns Small Town Galley that is going to work with me on putting together the paint party. Things are in the works for that. I am going to be on The Sound. I have been asked to participate. The first show is Wednesday night. The show airs Saturday night at 7:00 Channel 21 but it's live recorded at Evangel Wednesday night at 6:30 and it will determine whether I go to the next week.

**Lisa Carter:** We are working on the Parade route for Christmas. We've got a couple routes lined out but there is another one we are going to look at. Mike and I met with Melanie Roberts about lighting up some of the Christmas decorations we purchased. Mike will be meeting with them on October 17<sup>th</sup> to finalize that project. Mr. Porter emailed me again wanting to know about Beechwood Estates on the takeover of the streets over there. Arthur Jones: I've got to get Mr. Porter a list of what he needs to do in order for us to taker that over. Tom and I did an inspection out there and I need to follow up with more or less a checklist of things to be done. Lisa: About how long do you think that will be Mayor? Mayor Hockenbury: Will you have him contact Arthur or me.

**Mike Hibbard:** While were in Executive Session I'd like to discuss land acquisition.

**Gloria Taft:** I sent an email out to Council asking them to look at and think about paying off the small KIA loan which is just over \$600,000. That would be with sewer funds that were excess from last year. I'd like to see if Council had any thoughts on paying that off. Bonnie Enlow: There is no one from Sewer here. I know they've got some other stuff coming up that is going to be extremely expensive so I'm not sure I want to commit to spending more of their reserve until we get the other projects done. Mayor Hockenbury: Can we talk about it tomorrow night at the budget meeting. It is a budget item. At the KLC Conference I attended one breakout session on solar energy and I'm going to take some time to look at what maybe the City can do with solar energy to save in the future and a really good breakout session on Code Enforcement that maybe will help John long term.

Mayor Hockenbury asked for a motion to adjourn to Executive Session to discuss personnel (Tom), land acquisition, litigation and potential litigation. Donna Burke made motion. Lisa Carter 2<sup>nd</sup>. Motion carried 6-0. Gloria Taft made motion to return to Regular Session. Lisa Carter 2<sup>nd</sup>. Motion carried 6-0.

Mayor Hockenbury stated there was no action taken in Executive Session.

Donna Burke made motion to Adjourn. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 9:34 p.m.

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Curtis Hockenbury, Mayor

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Tammy Richmond, City Clerk