

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, September 11, 2017**

Pastor Randy Pace, Family Worship Center 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 6:33 p.m.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 8/28/2017 Regular Meeting. Donna Burke made motion. Stacey Cline 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 8/28/2017 Regular Meeting. Gloria Taft made motion. Mike Hibbard 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to dispense with reading of the minutes from the 9/5/2017 Special Meeting. Donna Burke made motion. Lisa Carter 2nd. Motion carried 6-0.

Mayor Hockenbury asked for a motion to approve the minutes as written from the 9/5/2017 Special Meeting. Donna Burke made motion. Stacey Cline 2nd. Motion carried 6-0.

Old Business:

City Attorney Sholar had second reading Ordinance 017-239 levying personal property, and property of public service companies Ad Valorem taxes and providing assessment, equalization and collection pursuant to the provisions of KRS 92.280 ET Seq. (Ordinance sponsored by Donna Burke) Donna Burke made motion to keep rate at the current 13.6 per \$100. Lisa Carter 2nd. Motion carried 6-0. Donna Burke made motion to approve Ordinance. Bonnie Enlow 2nd. Motion carried 6-0. There was no public comment.

City Attorney Sholar had second reading of Ordinance 017-240 establishing the real property Ad Valorem taxes and providing assessment, equalization and collection pursuant to the provisions on KRS 92.280, ET Seq. (Ordinance sponsored by Gloria Taft) Gloria Taft made motion to keep rate 13.9 per \$100. Donna Burke 2nd. Motion carried 6-0. Gloria Taft made motion to approve Ordinance. Mike Hibbard 2nd. Motion carried 6-0. There was no public comment.

City Attorney Sholar had second reading of Ordinance 017-241 rezoning 6.882 acres, more or less of property located at Lot 6A-2 Conestoga Parkway owned by Jemsite Development from B-2 to IL Light Industrial. Donna Burke made motion to approve. Gloria Taft 2nd. Eric Farris and Jason Sams with ARC Development were present on behalf of the applicant. City Attorney Sholar swore in Jason Sams to give testimony on this issue. Motion carried 6-0. There was no public comment.

City Attorney Sholar had second reading of Ordinance 017-242 amending ordinance 017-238 awarding exclusive franchise for the collection and disposal of garbage in Shepherdsville. Bonnie Enlow made motion to approve. Donna Burke 2nd. Motion carried 6-0.

New Business:

City Attorney Sholar had first reading of Ordinance 017-243 confirming annexation of unincorporated territory of 5.062 acres, more or less, by written consent of all owners. (Ordinance sponsored by Gloria Taft)

Daryl Lee, Planning & Zoning Appointee: No Report

Duane Price, Board of Adjustments Appointee: No Report.

Sign in Speakers:

Rob Beckett and **Ray Parker** spoke in favor of speed humps being put in on N. Maple Street due to traffic and speeding. Pastor Beckett provided a petition for consideration of the request.

Department Head Reports:

Public Works Foreman Tom LaFollette: Reported all park benches and picnic tables have been received; and are currently installing the benches in the Park and around Zappos Lake; and they have been elevating trees for better viewing of the park and river.

City Engineer Arthur Jones: Stated he would like to elaborate on what Tom said about the park and the great things we are in the process of. We've also sent in a Letter of Intent to the Army Corp of Engineers, that have what they call planning assistance services that would allow them to come in and give us grant money for design and help improve the master planning. That was sent off this past week as well as a request for flood mitigation.

Community Planning & Development Director Faith Portman: Reminded everyone that the Farmers Market is the second and fourth Saturday of the month ending in October maybe. Vendors are very happy. The next is September 23rd from 8:00-12:00 at First Street Park. As of today, I have 32 vendors for the Craft Fair on November 4th from 9:00 a.m. to 2:00 p.m.

Council Comments:

Bonnie Enlow: I'm glad to see the Farmers Market is doing good. Thanked all Department Heads for being at the meeting.

Stacey Cline: Received positive feedback on the Craft Fair and Farmers Market as well as positive feedback about the benches and want to thank Tom, Faith and Arthur.

Donna Burke: Our next Traffic Committee meeting will be prior to our next scheduled Council meeting. Negotiations are going forward well according to Arthur and I wanted to let you know the Gala Event that the Bullitt County Arts Council has is on September 29th at Paroquet Springs at 7:00 p.m.

Lisa Carter: Asked about Beech Grove Bypass progress. Arthur Jones: Going great. They are still doing some relocation of utilities. Louisville Water has been out there the last couple weeks and they have the main trunk line ran along the north side of the new Bypass about to where the new plant is; gases are also getting ran. They are still working on the rest of the pavement. Lisa Carter: When is the anticipation of that being completed and the road opening? Arthur Jones: The end of the year. Lisa Carter: Are they going to do sidewalks and lighting? Arthur Jones: I don't know exactly about lighting but currently sidewalks are not part of the State's improvement in that corridor but I would encourage us to think about that as a Council. Lisa Carter: On the road itself are they going to be any shoulders? Arthur Jones: I would have to check the plans. Lisa Carter: Have you guys finished the matrix on the roads? Arthur Jones: Tom and I worked on the road matrix today for several hours. Lisa Carter: I've had a lot of complaints about so many wrecks on 65 in all the construction down here; it's taking 45 minutes to get off Beech Grove Road to get out, is there any way we can get some officers to help direct that traffic? Mayor Hockenbury: I'll speak with the Chief right away. Lisa Carter: As most of you are aware we do have some money in beautification and we've been trying to get some things going on Buckman Street; we'd like to get some wreaths put up. I sent Tom an email. Tom LaFollette: Currently there are only three poles over there that have electricity. Lisa Carter: We want to spruce Main Street up; we found some Christmas decorations. I was going to get with Melanie Roberts to see if she would allow us to attach 11 of these on the wrought iron going through there; maybe she would purchase some extension cords and let us use her electricity. There are 3-dimensional snow men that we might be able to put in the court house area. We have picked several items out; around \$8000 we were going to use out of the beautification money to spruce downtown up a little. I'm talking with the Five Stars; they've got new poles with receptacles on them; they may allow us to put some of the Christmas

trees and other decorations we have. Lisa asked the citizens if they had any input. Several positive suggestions/comments from the audience. Gloria Taft made motion to purchase \$8052.00 worth of items from Christmas Done Bright. Donna Burke 2nd. Stacey Cline: They are giving a 20% discount on the decorations and no sales tax. Motion carried 6-0.

Mike Hibbard: Over the last several meetings the Council has expressed a desire to have a lot of questions related to spending in the City; limitations being exceeded so we have prepared an Ordinance to have a first reading of this proposed Ordinance; we've scheduled a Special Meeting tomorrow for the 2nd reading. I will sponsor this Ordinance. City Attorney Sholar had first reading of Ordinance 017-(number to be assigned) establishing purchasing limits for the City of Shepherdsville. Scott Fleming: This could adversely affect us at the Sewer Plant if we have an emergency and something goes down. How are we going to work that out? Mayor Hockenbury: Special Meeting. City Attorney Sholar: Here are two things that go on: one being if it is an emergency and the Mayor declares a state of emergency over it then State law and City Ordinances don't apply anymore for that period of time that an emergency exists and the Mayor can spend money as he sees fit to deal with the emergency. That's according to Statute. If it's just an emergency in that we waited or it's something we really need now but so forth it would necessitate a special meeting be called so the Council could vote on that or wait until a regular meeting. Scott Fleming: The problem we have, pumps in particular, if we have a pump go down and not know what it's going to cost to fix it; they come get it, tear it down and go through it you could have cost on any kind of problem that exceeds \$5000. Donna Burke: Are you being told immediately then or after evaluation? Scott Fleming: That's what I'm asking now how can we justify somebody coming to do that when we can't spend more than \$5000? Donna Burke: It's not a matter that you won't be able to it's just it has to be approved. So, if you have somebody that has to come and take a look at something and they are going to take a day or so to be able to analyze and diagnose what it needs done you're going to have time enough for a special meeting. They should be able to give you an estimate. City Attorney Sholar: When Mr. Hibbard handed me that it's the first that I've seen it. I did not prepare that Ordinance. That Ordinance doesn't say anything about spending. If the Mayor wants to spend \$19,999 he can do that after than Ordinance is passed. He just can't purchase anything with that. So, if he needs to go get services based upon what I read in that Ordinance that doesn't stop that. By the same token if what your intent is to attempt to limit the Mayor on what he can spend then that Ordinance was not drawn in such a fashion that it will do that. Gloria Taft: Scott to help address the situation, you're not going to have a problem getting a special meeting; we can have 4-6 people here. If there needs to be a special meeting I'm sure we can make sure a special meeting happens to meet any need that may come up at the Sewer Plant or any other Department. Scott continued to voice his concern over this Ordinance. Stacey Cline: So, spending is not what this is for? City Attorney Sholar: Not what I read, it says purchases. Mayor Hockenbury asked Chief Troutman if he could foresee any problems. Chief Troutman: There will be times if we have fire apparatus go down and we do have a very aged fleet and if at times they go out of service and have to have repairs immediately to get back in service to protect the City, yes, we would have to call an emergency meeting right then to get it done. City Attorney Sholar: If the part costs \$4,999.99 you can buy it. If the parts for the job cost over \$5000 you can't buy them. Donna Burke: May I suggest we allow conversation with Walt to get it worded the way we want it for what we want to accomplish. Bonnie Enlow: I don't think what you've got here is accomplishing what you all are trying to do. I think it needs to be better worded. City Attorney Sholar: I'm happy to have whatever conversation but I won't be able to have it between now and 6:30 tomorrow. Stacey Cline: I think we need to discuss it. I understand but with Walt telling us what he's saying I think this is vague and we need to discuss it. Bonnie Enlow: What Walt is telling is us there is a loophole for everything on here. City Attorney Sholar: I'm not sure what they are trying to accomplish other than trying to stop the City from spending \$5000 for purchases. That is what that Ordinance says. If the intent is to stop the City from expending any money over \$5000 for anything then I'll have to do some research to determine whether that's constitutional or not because if you have a bill come in here that is within the budget and it's over \$5000 and you can't pay that bill without having a City Council meeting that may be a problem. I'm not in a position that I'm prepared to comment to say that is not an unconstitutional use usurpation of the executive authority once the budget is passed. Gloria Taft: Purchase not spend because the Mayor has to be able to spend money for public utilities, and spend money to cover payroll, the insurance bill, all that has to be paid; it's the purchases of things that, in the past they purchased things in June that no one knew about. This Ordinance should prevent large purchases the City Council

doesn't know about. And maybe items need to be bid out instead of just purchased from any particular place. City Attorney Sholar: To allay the concerns I think I heard from Mr. Fleming and Chief Troutman if the Sewer Plant goes down that's an emergency. That's a life and health issue. If you have equipment, depending on what the equipment is, a firetruck that goes down, that's an emergency. If you have an air conditioner in the firehouse no but if it's equipment that is necessary for the fighting of a fire in Shepherdsville the Mayor at the stroke of a pen declares a state of emergency and gets you whatever you need to go on with that. He would have to make the determination that it was in fact an emergency and then report that to the Council at the next meeting or immediately subsequent to it happening. Bonnie Enlow: I think that's the biggest thing is being informed and not finding out after the fact. So, if this is for purchases only and they can do an emergency do you think this would do what they are trying to accomplish. City Attorney Sholar: I have not researched it. I just saw it. I would suspect it is but I have not looked at it at all. Bonnie Enlow: I feel more comfortable that we've had conversation so that we understand what we're about because I don't want you guys to feel like your hands are tied. There is good reason for what we're trying to accomplish here. I think now we have good understanding. City Attorney Sholar: A legal matter too if you all pass it; I'm not going to be able to express an opinion by tomorrow night at 6:30, let's say a week from now I determine there is a case that says you can't do that; I'm going to report that back to you all and you can amend it, repeal it or whatever you have to do.

Gloria Taft: Is there any update on the special audit? We've been referring to it as a forensic audit and that's not a true definition. Donna Burke: We are waiting on a clean copy of the preliminary report. City Attorney Sholar: When I met with that auditor I made two suggestions, one that he go ahead and have a meeting with that Committee; I also pointed out to him I didn't see anything in it and don't know of anything that I was made aware of that would prevent them from presenting what they informed me of to this City Council or to the Committee but my understanding that you all have not scheduled another meeting with them amongst the Committee? Carol Richards: No. Bernie has sent emails to Jonathon recently asking for a return email. We just need to meet and look at what they've got and consider it from there. Donna Burke: Jonathon indicated to us at that meeting that they made a determination that it was going to become a procedural versus a forensic audit. Did he get that directive from anybody on our Committee? Mr. Richards: Not that I know of. Donna Burke: So, we basically spent \$10,000 to have another regular audit. City Attorney Sholar: That's not what I understood him to say. Donna Burke: Procedure is what he said it was. He indicated it was procedural. City Attorney Sholar: He said that he had looked at procedures and my understanding from what he said and I want to be very careful that I'm not putting words in his mouth, but my understanding was he did not find anything that was leading him to go to the depth of a "forensic audit" and that he didn't see anything that appeared to be criminal. Donna Burke: His specific words that night was that he changed the type of audit he was doing because of the limit we placed on what we would pay. Gloria Taft: Are we going to be able to get any streets paved this year? Tom LaFollette: I can answer that question as far as Mago and Louisville Paving and the answer is no. Gloria Taft: Can we get a one way only sign installed at Salt Plant Road and 61? There is a sign that says one way only at Beech Grove Road and Salt Plant Road but no sign at the other end saying do not enter, one way, or something like that. Tom LaFollette: Yes.

Mayor Hockenbury asked for a motion to adjourn to Executive Session to discuss possible land acquisition. Donna Burke made motion. Gloria Taft 2nd. Motion carried 6-0.

Gloria Taft made motion to return to Regular Session. Stacey Cline 2nd. Motion carried 6-0.

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

Bonnie Enlow made motion to Adjourn. Lisa Carter 2nd. Motion carried 6-0. Meeting adjourned at 9:37 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk