

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, FEBRUARY 12, 2018**

Pastor Mike Miller, Family Day Ministries 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 6:30 p.m.

Gloria Taft made motion to dispense with reading of the January 8, 2018 Regular Meeting minutes. Lisa Carter 2nd. Motion carried 6-0.

Donna Burke made motion to approve January 8, 2018 Regular Meeting minutes as written. Stacey Cline 2nd. Motion carried 6-0.

Gloria Taft made motion to dispense with reading of the January 22, 2018 Regular Meeting minutes. Donna Burke 2nd. Motion carried 6-0.

Stacey Cline made motion to approve January 22, 2018 Regular Meeting minutes as written. Bonnie Enlow 2nd. Motion carried 6-0.

Old Business: None

New Business:

City Attorney Walt Sholar had first reading and public comment on Ordinance 018-(number to be assigned) on rezoning request by Faith W. Lyles Living Trust from B-2 to B-1; 4.5 acres, more or less. (1) 3.2 acres located on Highway 44 West, listed in the PVA Office as Parcel No. 036-SE0-03-007; (2) 0.52 acres located on Highway 44 West, listed in the PVA Office as Parcel No. 036-SE0-03-008; (3) 0.75 acres located on Highway 44 West listed in the PVA Office as Parcel No. 036-SE0-03-009 with restriction: the only point of access will be off Highway 44 West. Attorney Tammy Baker: I'm appearing on behalf of Faith Lyles. We're requesting a change from B-2 from B-1 zoning. This property sits on Highway 44 directly across from Abbott Street in the middle of business, residential, high density residential. The plan is to put a self-storage, some climate controlled and some outdoor access storage. There was no opposition at the Planning Commission; we received a unanimous favorable recommendation and it meets the Comprehensive Plan which is the most important part.

Mayor Hockenbury: Next on the Agenda is to surplus chairs in the City Council Chamber; all are broke and dangerous to sit in. The reason it says all are broken is because they compared them to some up here and replaced the bad ones out here with the useable ones. When they broke the first time we had Public Works come in and put some screws in them to make sure they wouldn't move. Bonnie Enlow made motion to surplus these chairs. Donna Burke 2nd. Motion carried 6-0.

Daryl Lee, Planning & Zoning Appointee: You will be receiving a zoning request on a lot on Lakeview Drive on the other side of the storage buildings, a company named RonJean/Walene Properties wants to put in about 50 apartments.

Duane Price, Board of Adjustments Appointee: Not present

Sign in Speakers:

Gary Board, 248 Partridge Run: I'm here about the condition of a lot of the City's streets in the form of potholes. I know the weather has been bad; I didn't know if cold patch could be put in some of them until they can be fixed permanently. One of the main problems I have if you're coming from Lowes in this direction next to the islands/medians there are two that are really bad. There may be others but those are the two I'm aware of. Also, I know I've been here before and you all have been good enough to fix them but a street that does not belong to the City over by Moby Car Wash and Sonic, it's getting in bad shape again. One of the places I've noticed it looks like where utilities are there is a trench across the road and it's starting to look like the Corvette Museum. I don't know if anything temporary can be done until weather permits a permanent fix. That's my request. Mayor Hockenbury: Tom, you worked on those potholes today, right. Tom LaFollette: On Conestoga yes, we did. Mayor Hockenbury: Did you hit the ones he was talking about? Tom: We did. We took care of probably 90% of them on Conestoga today. With our weather conditions, and salt, etc. you just need to be prepared that is not a permanent fix. Mayor Hockenbury: The last time we had that access road that doesn't belong to us did somebody make contact with Sonic? Tom LaFollette: I had a meeting with one of the owners of Sonic and one of the representatives of the bank. They were supposed to be getting together and come up with a plan to resolve that road. I spoke with them a little later and they were not getting any response from the people that own the car wash. The road is shared between those three people. Mayor Hockenbury: I know the last time we reached out and they patched the holes. Tom LaFollette: Actually, some of the Council people contacted them and they repaired the road.

Dennis Mitchell: Over the last many many months since the City of Shepherdsville expanded their sewer system I've had a lot of people come to me because of the rates we're got. I was wondering if the Council had done a bond issue or if they locked into the bod that they presently have. I know right now they are almost begging us to borrow money. We just borrowed over \$4 million in the County for our dispatch/911 system and we got a rate for 2.2 for a ten-year period which is unheard of this day and time. I didn't know whether you were locked in with what you've done with the sewers if you could refinance or negotiate a new bond issue maybe to give some people some relief. Mayor Hockenbury: I know there is an early penalty payoff if we pay it off. Gloria Taft: I know there is an early penalty payoff and it was an astronomical amount of money and when we looked at it it really would not have done the City any good. It would not save the City any money to pay it off early; it would have actually harmed the City; we would have owed more in paying it off that what we actually owe now.

Karen Johnson, 111 S. Steedland Drive: I don't know if anyone has heard anything about the medical marijuana or cannabis that's in a lot of discussion right now. I've been with a group of people; we're kind of a tag team going here and there and everywhere. A lot of them are not here because of the KET program that is on tonight at 8:00 discussing this issue so it might be something you might be interested in watching; I'm sure it will be on a second or third time. Everywhere we've gone to speak we've had such great reception and votes for a Resolution to let Frankfort know that the people really do want the medical marijuana or cannabis; there is just a stigma about it and a lot of people aren't talking about it but as the news channels are asking for polls it has 95% support. Alison Lundergan Grimes has asked for cities and counties to pass a Resolution in favor to show the State, our Legislators, that this is wanted. We were at Bullitt County Fiscal Court last week and they voted 5-0 to draft a Resolution for it to be read and come up for a vote. Hopefully Mt. Washington is discussing it again tonight; Hillview City Council voted 5-1 in favor of drafting a Resolution, and I just didn't want you all to be left out. It's of huge importance right now. We have a pension crisis going on, the economy, they are coming after all of our monies everywhere and there isn't any reason for them to not be discussing this. I think they are going to be talking about it on Wednesday maybe. I have a copy of the Resolution that Alison has asked for cities to consider and I wanted to see if it was something that you all might be interested in. Mayor Hockenbury: We'll take it in to consideration. I don't want to put them on the spot right now. If you can leave a copy, we'll make copies for the Council. That's a big issue in the 49th too that both candidates are talking about. Ms. Johnson: This is kind of an emergency situation we're trying to let the State Legislators know right now that they need to be working on this right now.

Mayor Hockenbury read a Thank You card from Brett Guthrie's office in hosting a meeting to introduce his new Field Representative, Kylie Foushee.

Department Head Reports:

Mayor Hockenbury introduced our new City Controller, Stephanie Kellerman.

Controller City Controller Stephanie Kellerman: I want to let everyone know, because I know that this is very important and on everyone's mind about December and January financial statements. When Bob left he had only completed half of December because I think he had a lot of vacation time to use. I have most of December done and I'm doing January at the same time because it's quicker if I do them at the same time. Hopefully within the next two weeks I'll have some financial statements for you all. I know I've been here two weeks and a day however I had W2s and all the payroll information to do the first week. I did the Sewer because they were having some major repairs that were coming up and they needed to know where they were financially. I'm working very hard and I'll get you some information as soon as I can.

Public Works Foreman Tom LaFollette: We had a gentleman approach us probably 3 months ago about purchasing the old water works plant property. We've been doing some research and it's been a little difficult finding some records because it does go back so far. At this point we've reach a bump in the road that it's up to you guys if you want to continue this process of selling the property or not. The process would be, it has to be surveyed as well as appraised so there will be some cost if we want to continue to move forward. I wanted to run that past you before we do anything else. Mayor Hockenbury: How do we feel right now? Do you want to sell? Lisa Carter: I actually had a plan to redesign that whole area to make that traffic flow a little better. I want to clean that area up where you come under the bridge/railroad crossing. I want to take all that land out that is there to flatten all that out and beautify that whole area. We get so many people that come to play ball down there and personally I think it's an eyesore the way it looks now. I personally would like for the City to keep it and beautify it. Tom LaFollette: If we sell it we're going to lose roughly 2000 square feet of storage. Donna Burke: Do you have any feel on what you might actually get in the sale of the property? Tom: No idea at all. Donna Burke: I'm not for giving up any storage and I'd like to beautify the area as well and have control over what goes on over there. Mike Hibbard: Tom, do you have an idea how much property there is there? Tom: We don't. The records go back to 1963 and they are hand drawn. Mike Hibbard: I remember that gentleman being here, and I thought at the time his main interest was because of the concrete structure at the top of the hill that we wanted to build something on top of it. Stacey Cline: Can we get back with you Tom? Gloria Taft: I would like to see the City keep the building because the building is in good shape if we don't sell that ugly structure sitting on top the hill I'd like to see the City do something with it to beautify the City, to make it a safe place to hang out so that we don't have youth there doing what youth do when they can't be seen from the road. If we don't sell it lets do something with it. Bonnie Enlow: I think with what we would have to go through to sell it and unless we get an extravagant price to sell it we need storage. Mayor Hockenbury: Can you ponder on this and give me an answer at the next meeting? I brought this up because the gentleman keeps calling Tom and we need to give him an answer. Stacey Cline: I say we leave it as is and he can use it for storage. Mayor Hockenbury: Do you want to make the decision now to leave it like it is and keep it for storage. Keep it and not sell. Four would like to keep.

Mayor Hockenbury stated ABC Officer Jerry Pile called him and said all businesses with ABC licenses have already renewed this year.

Council Comments:

Bonnie Enlow: Thanks to Public Works for getting out on the ice this morning. I do appreciate Police, Fire, Public Works and everything you do when we have this kind of stuff go on because you're out there in it even if we get to stay home.

Stacey Cline: Tom, there is a pothole on Abbott Street at the beginning by the Stop sign. I'd like to thank the Chief and his guys for cracking down on 360 Circle Drive. The neighbors thank you too.

Donna Burke: I want to echo that sentiment. It's always good to see the new think you all are getting done! It is increasing on an ongoing basis what you all are here for. I think the Community loves to see that.

Lisa Carter: Still need a home for the Christmas decorations. I still have two snowmen and Christmas tree in the back of my truck and on my trailer and we have the lone tree out here by itself. Have you guys made any room? Tom: You just need to show up with that trailer and we'll make stuff fit. It's not a matter of making room. Lisa: When can I bring it to you? Tom: We don't close at 12:00 on Friday we're there until 4:00. Next, the item in the front is the baskets that Mt. Washington has. They look pretty large and weigh about 100 pounds when all the stuff gets in it. I didn't really know how much those were going to cost but in looking at them, it's going to be everything there, they are going to be powder coated and painted and all the chains, brackets, the whole thing is \$650.00 each and they are made in Mt. Washington by Mark Sweeney. We've got money in the budget in our Beautification; I didn't know if the Council and the citizens are here wanted to spend that kind of money on baskets or not. To start off with 12 we're looking at \$7800.00 and will be placed on Buckman Street. The High School students said they would take these baskets; we would pay to have whatever soil that they put in them and flowers, put them in the Hot House until Derby weekend and then bring them out. We can take them down in the Fall, take them back and have them store them for the next year. I want the citizens to put their input in too whether or not they think they would like something like this down on Buckman Street, so we can start cleaning our town up. Tom LaFollette: Do we know what poles we are going to put them on? Lisa: I have not picked those poles out. They have to be wood. Tom LaFollette: What we currently have wouldn't hold them. Lisa: I'll ride down there and check. Suggestions from the audience to check with businesses along Buckman to see if they would like to buy one. Faith will check to see if any business would like to purchase one. We need to check to see if poles will hold them before.

City Attorney Sholar: This doesn't have anything to do with beautification but as far as putting a crosswalk in; I asked Tom to check because there use to be a crosswalk that went from one side of Buckman Street to the other side of Buckman Street at the corner of 2nd Street and Buckman Street. When Highway 61 was repaved at some point that crosswalk got done away with. Tom wasn't having any luck with it and I then called the District 5 and spoke with a young man down there and he told me that the State would not approve it because of some formula they use. That's as far as it's gotten but I can tell you there is a good number of people that are taking their lives in their hands when the cross Buckman Street. When the County said they were looking at building a new Judicial Center the City at that point said keep it downtown. The City advocated strongly for the County to maintain that Courthouse downtown and the City talked about the public parking that we have on the west side of Highway 61/Buckman Street; back behind the funeral home there is public parking there but anybody who parks there they can't come across at First Street and they can't come across at Second Street without the lack of a crosswalk.

Mike Hibbard Sr.: Tom, are some of those poles not belong to the City? Tom LaFollette: The only poles we own down there are the metal ones. As I recall there are 11. Mike: So, if we wanted to try to use any of the others we would have to get permission from the proper utility. I may need a clarification from Walt, at the last Council session Tammy said we were in the process of redoing the 501©3 agreements on the Community Center. I don't know if any direction was taken on how we do the liability. I presume the City has liability against claims from use of the Community Center. There were a couple different figures tossed around that the people who want to use it has to carry some liability insurance also. What would their liability cover? Where would it come in to play? City Attorney Sholar: There are different types of liability for cities. The City acting in it's governmental capacity has one level of liability for various things like sidewalks, but when the City starts renting property out the City changes it's personality to that of a landlord and that increases the potential liability that the City has and they like any other landlord have to maintain the property to a level that is higher than the City does on City parking lots and that sort of thing. If your question is what the liability is of some 501©3 or non 501©3 if they are doing something that is negligent they would have some liability, but we would be hard pressed to have no liability if we rented it out to them. Mike: I guess what I'm saying is can you give an example of a situation where someone that rents it their liability would come in to play? City Attorney Sholar: If you rented it out to somebody and they were having a boxing or wrestling match, and somebody gets killed in the ring they would be liable for what happened there. The City may have some liability if what they did was tricked over something. In all likelihood if somebody gets injured there the City is going to get sued no matter what. That's the general practice of most any lawyer out there. Mike: I know we have high levels of liability insurance. The two figures that have been tossed around in our current agreement it says \$2 million; is that sufficient? Does it need to be higher, lower for the one's that are renting. Which way

should we go to standardize it so that everybody meets the same standard? I think the Council would have to set the level. City Attorney Sholar: The standard would be up to whatever you all want, and I would suggest to you that what you might want to do is touch base with another entity that is here that has been in the rental business for some time and that would be Paroquet Springs Conference Centre. They rent their facility out for meetings and you might touch base with them to see but also it would be a good idea also to touch base with KLC, our insurer, and get advice from them as to what they would recommend from a substantive business standpoint what they think would be a good amount because they would be very interested to see to it that we are as covered as we can be. Mike: I know Paroquet Springs would carry liability insurance themselves, but I don't know that Paroquet Springs requires any liability coverage from people that come in and rent their facility.

Gloria Taft: I know we put out a RFP for the Public Works building, is that timeframe expired, and we have our bids or where are we at with the bid process? Arthur Jones: We had a mandatory pre-bid meeting last Thursday. We had seven companies come to that meeting and we asked that all questions be in by the end of business today; so tomorrow morning we'll take all those questions and turn it around; issue an addendum for the project and those bids are due back by the 20th of February at 4:00 and we'll have our bid opening at that time. Gloria: Are we going to bid out for the auditor that will be doing our 17-18 yearly audit? If we're going to even consider getting a new auditor we need to move on that now before the auditors are taken. Donna Burke: Do we have to bid that because it's professional services. We can recommend someone else, but I don't think we have to bid for it. Gloria: That's why I'm trying to bring it up. The company that we've been using the last two years for two years has been at least a month late. To me that's very unprofessional and we're not even following our own Ordinances. Stacey Cline: Why don't we ask our new Controller? Controller Stephanie Kellerman: If you switch auditors it would be relatively higher the first year. Donna Burke: We need to be looking at a year in advance before we look at changing what we're going to do. City Clerk Richmond: I will check but I think we have a three-year contract with them. Gloria: We need to do something, either make him come in on time or we need to go somewhere else. Ignoring our own Ordinances is not okay with me. We've done it two years in a row now and we need to at least follow our own laws. Again, I'm going to bring it up, in September the Council voted to move money out of the General Fund into Restricted monies. Have you Mr. Mayor instructed our new Controller to do that yet? It was supposed to have been \$100,000 a month for four months. Would you please do so this week? It was to go into the Emergency Reserve Fund that is set up that has close to \$580,000 in it.

Mayor Hockenbury: Stephanie I was going to let you choose what bank account we want to go to. Have you made a decision yet? Stephanie Kellerman: Is that for all the accounts that are not restricted? Donna Burke: No. It was to condense them all down to two accounts, one for municipal and one for operational and Sewer is on its own. Stephanie: I know that we have loans at other banks and most of the banks require you to have a bank account. Donna Burke: Do they have a requirement on the balance in those accounts as well. Stephanie: I will check. Donna Burke: We can find out because the minimal amount is what we want to keep in there. Stephanie: I agree with Bob to use WesBanco.

Donna Burke: Tammy you sent out an email to us regarding adding the trash collection to the water bill and I thought it would be good to bring up for discussion because it sounds as if that if someone chose to deduct the amount of the trash pickup from their bill the water company is not going to turn their water off. So, we are defeating our purpose by trying to add it and have a charge added to the bill. Bonnie: What did Republic have to say about it. Did you tell them. City Clerk Richmond: We have a meeting with Republic to meet our new account rep because Mike retired. We're going to go over everything with them again and I'll know more then what they have to say about it. Mike Hibbard: I called and talked with our new rep and ask him if Republic was set up to do their own billing at which he said yet they do it with others. My suggestion would be to let them bill it.

Bonnie Enlow made motion to adjourn. Donna Burke 2nd. Motion carried 6-0. Meeting adjourned at 7:41 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk