

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, MAY 14, 2018**

Pastor Tom Elbert, Divine Savior Lutheran Church gave the invocation

The Pledge of Allegiance was recited

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

Mayor Hockenbury announced that City Hall will be closed on Monday, May 28th in observance of Memorial Day. There will be no Council Meeting.

Mayor Hockenbury called the meeting to order at 6:32 p.m.

Mayor Hockenbury asked for motion to dispense with reading of the 4/23/2018 regular meeting minutes. Donna Burke made motion. Gloria Taft 2nd. Motion carried 5-0-1 absent (LC).

Mayor Hockenbury asked for motion to approve 4/23/2018 regular meeting minutes as written. Stacey Cline made motion. Donna Burke 2nd. Motion carried 5-0-1 absent.

Mayor Hockenbury asked for motion to dispense with reading of the 4/30/2018 special meeting minutes. Bonnie Enlow made motion. Donna Burke 2nd. Motion carried 5-0-1 absent.

Mayor Hockenbury asked for motion to approve 4/30/2018 special meeting minutes as written. Stacey Cline made motion. Gloria Taft 2nd. Motion carried 5-0-1 absent.

Old Business: None

New Business:

City Attorney Walt Sholar had first reading of Ordinance 018-259 A request from New Flyer of America Inc./DPIF KY 1 I-65 Cedar Grove, LLC to rezone with restriction 32.26 acres, more or less, from IL to IG General Industrial for property located at 857 Park Loop Rd listed in the PVA Office as Parcel #046-000-00-017E in the City of Shepherdsville. Just for information the Public Hearing on this matter will be conducted at the second reading of the Ordinance.

City Attorney Sholar had first reading of Ordinance 018-260 An Ordinance Amending Ordinance 017-235 as previously Amended by Ordinance 017-246 The City of Shepherdsville, Bullitt County, Kentucky, Annual Budget for Fiscal Year July 1, 2017 through June 30, 2018, by estimating Revenues and Resources and Appropriating Funds for the Operation of City Government. Discussion followed on what needs to be published to make legal. Ordinance needs to have language in it that refers to each Department's line item expenditures as part of the Ordinance.

City Attorney Sholar had first reading of Ordinance 018-261 Amending Ordinance 017-236 as previously Amended by Ordinance 017-247 The City of Shepherdsville, Bullitt County, Kentucky, Sewer Operation and Maintenance Budget for Fiscal Year July 1, 2017 through June 30, 2018, by Estimating Revenues and Resources and Appropriating Funds for the Operation of the Sewer Department.

Daryl Lee, Planning & Zoning Appointee: Not present.

Duane Price, Board of Adjustments Appointee: Not present. Reported to Mayor that W. Shannon Lane request was denied; and the Car Wash by Wal-Mart request was approved.

Sign in Speakers:

Michael Taft, 124 White Blossom: To City officials and the gallery, there has been a lot of news lately about how divided the nation has become over Trump as our President. It's infiltrated down to State level and its even made its way to local government. We're all just trying to make a better community for our people to live but the disagreements on how to do this have become increasingly divisive. Each side is equally yelling about equal the other side is, so it's become a self-fulfilling self-perpetuated cycle. Charles Rosner, a renowned advertiser/marketer said if you're not part of the solution then you're part of the problem. At a Council meeting in March there was discussion about an Ordinance being written to cover compensation and incentive pay for City employees. There was language in the version being discussed that night that had been changed; part of it violated KRS laws and regulations as I read them. At one point I yelled out that part of the language in the Ordinance was illegal. Illegal language has since then been removed and Walt Sholar has made several clarifications in open meetings about what had to be removed and why. The Council has been working together to insure the financial figures are being considered to keep the City out of bankruptcy. They truly care about our City employees we will make sure that the City is not put into bankruptcy again like it was 6-7 years ago because the balance sheets did not get fully analyzed to support incentives. No check should ever bounce. My outburst in that meeting was not meant to be a personal attack on anyone but it is contributing to the problem. I disrespected a City official in the order of the meeting. With a mind toward reconciliation and forgiveness I make the following public apology and I do so publicly because my outburst was done publicly. Bonnie Enlow, I personally apologize to you because while it wasn't directed at you; you had the floor. I disrespected the office of City Council and I sincerely ask for forgiveness. I apologize to all City Council members because by disrespecting any City Council member you're all duly elected to your positions and to disrespect on City Council member is to disrespect all of you. I also apologize to Tammy, Walt and Curtis because by disrespecting the order of the meeting I disrespected the City Clerk, City Attorney and the Mayor. It is my sincere hope that this will be a step toward healing the City. I want to live in a great City not because of it's size but because we have exemplary people taking care of each citizen; not just their own friends and their own personal interests but everybody. I think that is what you all are trying to do. Thank you for your time. God Bless Shepherdsville. God Bless Kentucky and God Bless you.

Monty Hester, 427 Circle Drive: I've been a life long resident here born and raised here. My grandfather was the first Mayor of Shepherdsville, City Police Chief, Councilman. I came down here today to address this Council and the Mayor; I come in a way of peace. My concern is I want to know the protocol concerning homeowners within our City who are not keeping up their place. Why it's not more enforced. Like I said I'm not a man to come down here and be like a bull in a China cabinet but if you go up the street; Faith lives up there. There was an incident last week concerning a rifle shooting. I went over there and checked it out myself. I seen a man putting it in his safe in his garage. I talked to a Police Officer concerning this. What I've come over here to do, our City is going down because of the people being moved in. I want to address the Council in the right way. I would like to know why there is not more pressure put on these people because it devalues our property. There are a lot of people who are scared in the City to say something. My wife said she's afraid of retaliation, well I'm not. I came down here to address the Mayor and Councilmen concerning this and it's not only for me it's for all of us. Do I need to sit down, or do I need to stand here? Bonnie you live up here next to my mom and dad. Bonnie Enlow: I know your mom very well. I have filed a complaint with the Police Department about the large group of teenagers that are running up and down the streets in our area. The last three weeks it grew from 4 or 5 to about 15 of them are together now going back our street, the neighboring street; they are coming around the side of my yard. I've had several call me and complain about these youths causing damage on property. The language as they are going down the street is not too well either. They walk in the middle of the street and not let cars pass. So we've got quite a problem in our area that side of town. Yes we do have, I know on our street there are two places that are trashy, and I know some of the other streets are trashy and we don't have a solution yet. We need a solution. We need to get the Ordinance passed; we need to get our Committee and we've got to put a stop to this. He's right. I know one of the neighbors of one of the properties on my street is very upset that nothing has been done and he comes and sees me quite often. Mr. Hester: I don't want anyone to misunderstand me. I didn't come down here to cause trouble. Let me say it like this. I live on the corner of Melwood, I try to take care of my own. My wife is very scared. I work at night, so they can learn your routine. The Police busted the drug ring going on and when you've got 18 cars in the driveway and he says he works on cars, but they never move... There are drugs going on. I'm

sure there are drugs all in the City but what I'm asking is we need to put the pressure up on these people. Sending a letter to them, going to them verbally, that's not good enough. What we need to do is slap fines on them and keep the pressure up because these people are pushing you around and we've given you the authority to delegate authority to stand up to this. The thing is we expect that as voted in officials to protect us. We don't want those people pushing us around. I didn't say go down there and beat them up. But what I am saying is if you are going to put an Ordinance in place or if you've got one you need to enforce it. I heard Mr. Sholar talking about ways to bring forth appropriations and so forth, I understand that, and he was talking about you changing an Ordinance; well here's what I'm saying, if you've got an ordinance that you need to amend then you need to do that. I want to tell you something what's going to happen just like the other day with that rifle being shot. Things are going down and somebody is going to get hurt with this situation. The thing is I don't want nobody hurt but I'm not afraid to come down here and voice myself. All I'm asking the Council to do is step up and put the pressure on them. It's going to affect everybody here. Stacey Cline: This is the first I've heard about this. Bonnie and I talked last night because I saw the teenagers behind Moby Dick. I was walking, and I see a bunch of punk teenagers sitting back there, excuse me but they were up to no good. Mayor Hockenbury: I encourage you to call 911 when you have the opportunity. That's how we usually deal with that. We have laws on the books or Ordinances but an incident like that would have been a call to 911. I believe we still have a curfew and I will research that tomorrow. There are other KRS's that deal with that issue. I'll have my Police step up in that area. I'll have a meeting with my Police Department tomorrow and also speak to John Bradley about this issue. You also have a free invitation to come see me. Can you come in sometime during the day? Mr. Hester: You set up the meeting and I'll be here.

Department Head Reports:

Fire Chief Layne Troutman: I know the Council had talking about having a Special Meeting you may want to take into consideration that the night you all do that we include financing. We don't have all the bids in yet for the financing and whatever night you set that meeting hopefully we will have all the stuff there to discuss it that night also.

Code Enforcement Officer John Bradley: Over the past 3 weeks I've cited 40 people. I'm also getting phone calls from people with barking dogs. We don't currently have an Ordinance dealing with barking dogs. I'm asking your input. Mayor Hockenbury: Have you checked with Mt. Washington, Lebanon Junction to see if they have a policy they can let us look at? City Attorney Sholar: Louisville Metro has their Ordinances on line and they have a pretty good dog barking ordinance.

Community Planning & Development Director Faith Portman: Three weeks ago, I was asked to get prices on shrubbery and different items. I've got a list of things with prices. I estimate I will need a total of \$2700. Bonnie Enlow made motion to buy supplies needed for beautification. Donna Burke 2nd. Motion carried 5-0-1 absent (LC). Donna Burke made a motion to change the budget line item to planning and beautification; with the stipulation that 20% goes to planning and 80% goes to beautification. Faith: Will I still have to wait two or three weeks to do anything? Keep it restricted but change the title of how it's restricted. Bonnie Enlow: Can we restrict 80% and not the 20%? Stacey Cline 2nd. Motion carried 5-0-1 absent. Faith: I also wanted to let you all know that the Community Garden will be planted tomorrow. Most of the stuff in there will be coming from the Extension Office with the help of Tom, Public Works and my husband we cleaned, plowed so the kids can plant tomorrow. The Farmers Market opens on the 9th.

Mayor Hockenbury asked for a motion to adjourn to Executive Session to discuss litigation. He invited Attorney Carl Horneman, Rob Campbell, Steve Emly and Arthur Jones to join Executive Session. Donna Burke made motion to adjourn to Executive Session. Gloria Taft 2nd. Motion carried 5-0-1 absent.

Gloria Taft made motion to return to Regular Session. Donna Burke 2nd. Motion carried 5-0-1 absent.

Donna Burke made motion that the Council agrees to proceed with settling with Beam according to what was presented in Executive Session in a manner as our Counsel sees fit on behalf of the City. Gloria Taft 2nd. Motion carried 5-0-1 absent.

City Engineer Arthur Jones: We've got a project to rehabilitate the manholes on the South Bullitt Interceptor. We bid that project out a few months ago. We've gone through negotiation to make sure we have the right materials and everything that we need to have in order to move forward with that project and I recommend to the Council that we approve the bid and award that bid to TNT for the construction of those manholes. Donna Burke made motion to approve bid. Bonnie Enlow 2nd. Mike Hibbard: When was it bid? Arthur Jones: It was bid originally in January or February. City Attorney Sholar: If I may just to make sure the record is clear as to it's not that it was bid the statute requires that it be advertised for bid. Arthur Jones: After competitive negotiation with the three bidders that came back Municipal & Contractor Sealing Products, Cully Contracting Inc. and TNT Pipe Renovations LLC; with TNT Pipe Renovations being the only completely conforming and fully responsive bid. Their bid was \$1,371,010.00. Motion carried 5-0-1 absent. Arthur Jones: One other topic I wanted to bring before Council just for your knowledge we have recently had conversation with people that are currently under contract and I believe have signed the deal to purchase Heritage Hills and the conversation that we have recently had with them is an inquiry about the extension of the Salt River Interceptor sewer. At this point we are working with those guys to try to negotiate terms as far as how that sewer could get built, if it would get built and what obligations the City and the Contractor would be in that status. I wanted to go ahead and make you aware of that fact that that ball is back rolling again and as soon as we know more information I'll be sharing with you. Donna Burke: Not in accordance with that but just to have a little general discussion of the Chapeze thing in case that comes up again. We have sewers going out in that area and I asked you about whether or not it would be beneficial for the City to actually go ahead and go for annexation again. What's the Council's opinion on that? Bonnie Enlow: I would vote against it. We made a promise years ago that we wouldn't do any more annexing going down a road; that's what caused all those lawsuits to start with the Fire Departments. Stacey Cline: I'm not taking anything that's outside the City. Donna Burke: We have sewers going out there already. Gloria Taft: If it's done the right way and someone requested to become part of the City we need to pay off that \$20 million debt, but it has to be done the right way. Bonnie Enlow: Through property not streets. Gloria Taft: That would be preferable. But I don't want to continue sitting on \$18 to \$20 million worth of debt with the City not growing in that direction to get it paid off. Donna Burke: I know they were not going to renew their move on doing it until they saw that the Council was favorable for it. Arthur Jones: For educational purposes, in case anybody is concerned about what happened in that case. I know there is also question about 61 and all of that. Annexation went down Highway 61 and annexed the Shaw property and that actually happened at a time when the Secretary of State was the only office that was involved in annexations on their end to approve it. At that time KYTC District 5 was very hands off, didn't want anything to do with annexations and did not give an opinion on annexations at that time and thereby would not have any documents or records at that point. Since then through pressures from cities, especially us, District 5 and other transportation departments have started to weigh in and allow for annexation as corridor that involve roadways.

City Attorney Walt Sholar: Some of you will remember when the Mayor first took office and we came on board there was a belief at that time based upon what I believe to be an erroneous either statement made by the League of Cities or an understanding that wasn't quite right as to what they may have said that we had to pass a Code Enforcement Ordinance amendment because the City had had one for sometime but we needed to get it done by January 2017. When I came on board I got to looking and there is nothing that requires the City to have a Code Enforcement Board whatsoever. The Legislature gave the authority to cities to create Code Enforcement Boards for two or three reasons combined. One, they want to take business away from District Court; District Courts are crowded, we're losing a District Judge position, so they wanted to ease up the pressure on the District Court; #2 when the City has an Ordinance that says letting your grass grow a foot high is a Class B Misdemeanor subject to 90 days in jail and/or a \$50 a day fine. Part of what you have to do to be able to enforce that is have a relationship with a County Attorney that the County Attorney will in fact vigorously prosecute your City Ordinances and that you have either a Code Enforcement Officer, you can have a Code Enforcement Officer whether you have a Board or not; they can go out and write a ticket and cite that person into Court or you have the Police do that. During the years I was County Attorney ordinances that I felt were proper ordinances that the cities had that weren't unconstitutional I made a policy decision that I would vigorously try to enforce those because if we don't enforce the laws there is no sense in having them. The more we don't enforce the laws whatever they are, are the more the Police cite and do stuff, but the Courts don't carry it out the more people start ignoring them and it's become a lawless society. The law is

only as good as how much somebody enforces it today. The standard is what we enforce whatever it is. We're working on a Code Enforcement Board law. We can't seem to get a full Board that's okay we still got laws in the City that say you can't let your grass grow; we have laws that says you can't walk out in the middle of the street. How harsh is it that we want to be if I decide I'm going to walk down the middle of Circle Drive? Technically you ought not be walking in the middle of Circle Drive that's a City street. But we've got the law to hammer somebody with if somebody needs it. Somebody needs to be having a conversation with the County Attorney. The laws that we have generally speaking are to change people's behavior. Everything down below the laws that say somebody should be executed for something is to try to change people's behavior. If we don't want people walking in the middle of the street, we may need to cite them. Then even if we don't get a conviction when they get fined in the pocketbook for having to spend time down there. I used to tell the Police in regard to curfew, the first time you find a child out at whatever time, pick the child up and charge the child. Second time you find that child out look real hard at charging the parents with contributing to the delinquency of a minor because they don't need to be out at 2:00 in the morning and they've been made aware that they've got a kid doing that. I don't want you all or John to feel like he's got no tools. He's got tools in his tool belt. But he has to get prepared to go cite people if we're going to try to do something; if not, we're kidding ourselves. Bonnie Enlow: With Code Enforcement, what power is with that. It's not the same as a Police Officer walking up and showing their badge. City Attorney Sholar: If he's writing them a ticket that says on such and such a day you have to appear for an arraignment in front of the District Judge that's the same thing that a Police Officer is going to be doing. Bonnie Enlow: Does he have a Code Enforcement Badge? Mayor Hockenbury: I don't think so. City Attorney Sholar: They make them; you can get any kind of badge you want. Bonnie Enlow: We need to get John a badge so he looks more official and they maybe will take him a little bit more seriously. City Attorney Sholar: It won't hurt anything to do that but I'm cautious as to are people not taking that ticket that he gives them that says you have to appear in front of Judge Ward or Judge Porter. Is he writing tickets City Clerk Richmond: I think at this point he's writing letters. City Attorney Sholar: The Kentucky legislature has adopted a uniform citation that gets a URR Code and the ticket is written, if you cite a City Ordinance you have to attach a copy of the Ordinance to the citation because the District Judge down there is not required to know what City or County Ordinances say. In Mt. Washington the Police enforce the Codes. Bonnie Enlow: He would need to talk to the County Attorney first about what he's doing? City Attorney Sholar: It wouldn't hurt but he doesn't have too. Gloria Taft: If we set up a Code Enforcement Board and got some stronger teeth in our ordinances it would pay for itself because the first time he wrote a violation and handed it to them and says if you don't cut your grass in ten days you have to appear in front of a Code Enforcement Board and the Code Enforcement Board can fine them \$100 a day for every day. City Attorney Sholar: That's a bad way to do it. Here's what Mt. Washington does; Mt. Washington does not go through all that, what their Code does, for instance, grass is grown up. You get cited then within so many days and it puts a fine on your property. The Board doesn't do it. The Board is nothing more than an appeal avenue for anyone to appeal when they receive the fine. That's what Hillview's does as well. You don't want to get into the business of; I would strongly urge you not to get in the business of they cite and then the City has to bring the case to the Board. You want it to be that the property owner has to do it. It doesn't fix everything because don't think that when they get that and they don't appeal it that we all the sudden get the money. We don't. We just get to put a lien on their property. The City probably doesn't want to get to involved in paying me to start filing foreclosure action because that's \$1500 out the door and I probably wouldn't be too inclined to do that at the regular rate I charge the City. For foreclosure type work I charge \$300 an hour. That's not going to be a good way. What the City of Mt. Washington and Hillview does they just put the lien on. That lien is there and the great thing about those kind of liens, they get to move in front of the mortgage. So when the property sells the City gets its money off the top. What we need to work on before we get the Code Enforcement Ordinance going, somebody with the City has to go through and identify every Ordinance that we want to be dealt with; every type of problem that we want dealt with by the Code Enforcement Board. We have to identify any and all prior Ordinances that we may have that have a criminal penalty associated with it. We have to repeal those. We then have to have those set out in this Code Enforcement Ordinance. For instance, Bullitt County has a nuisance ordinance. If the County Judge did what the County Judge should have done when we passed that Ordinance for the County and sent a copy of it to every Mayor, it's enforced throughout each one of the cities. Guess who can enforce that? The Shepherdsville Police Department. The can enforce County Ordinances if they have been adopted in a fashion that they are enforced in the City. Gloria Taft: I believe John has pulled copies of all the old Code Enforcement Ordinances.

Council Comments:

Gloria Taft: Mike and I went to the Bullitt County Advisory Board with Louisville Water and Louisville Water is planning over the next 3 years to spend \$11 million in our County which is about 10% of their capital budget. I have a map where they are going to go if anyone would like to see it.

Donna Burke made motion to adjourn. Bonnie Enlow 2nd. Motion carried 5-0-1. Meeting adjourned at 9:10 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk