

**CITY OF SHEPHERDSVILLE  
CITY COUNCIL REGULAR MEETING MINUTES  
MONDAY, SEPTEMBER 10, 2018**

Councilwoman Donna Burke 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 6:31 p.m.

Mayor Hockenbury asked for motion to dispense with reading of the 8/27/2018 regular meeting minutes. Donna Burke made motion. Lisa Carter 2<sup>nd</sup>. Motion carried 6-0.

Mayor Hockenbury asked for motion to approve 8/27/2018 regular meeting minutes as written. Stacey Cline made motion. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0.

**Old Business:**

Mayor Hockenbury reported that the discussion on the Autumn Left expansion has been removed from the Agenda at the request of Eric Farris.

**New Business:**

Fire Chief Troutman, Charlie Keyes and Eric Keyes addressed the Council on the award recommendation to build the new Fire Station. Eric Keyes, Project Manager, Keyes Architects is working with the City to put this together. We put this out for bid a little over two weeks ago. Chief Troutman is passing around the bid tabulation sheets with the results of those bids. We had an addendum we had to issue during bidding so this is contractors' confirmation they did receive the addendum, Base bid is how much contractor proposed to do the job for, performance bond which represents an insurance they have to have for materials and performance on the product if they were awarded the job this is how much insurance wise it would cost them to cover, G.C. O/P General Contractor Overhead Profit and their Subcontractors Overhead Profit numbers, basically what these two items are saying if we have to have a change order what would it cost to make that change. Essentially what they are saying there a G.C. would charge 3.5% for the first one for overhead and 4% profit on any markups that occur. They are guaranteeing their subcontractors one year at 3.5% and 4% as well. The last column is how many expected days it would take to complete the project. I have sorted this list to the contractors bid amounts. The first contractor on the list is your lowest number and the last contractor on the list is the highest number received from the bids. There are six bids on this list. Gloria Taft made motion to accept the low bid of EH Construction for \$2.268 million with the understanding that a change order in effect eliminating the geo thermal system and going to an engineered specific form of heating/cooling system for this building. Donna Burke 2<sup>nd</sup>. Motion carried 6-0.

City Engineer Arthur Jones addressed the Council on the award recommendation to construct the Keystone Crossroad realignment project. Arthur Jones: The Council should have received a copy of the bid this morning that we received for Keystone Crossroads. We put that out for bid a couple weeks ago; we got back one bid and that bid was in the amount of \$676,094.00. I recommend that we award this contract to the lowest bidder of Flynn Brothers Contracting and let that project go into construction with the contingency that when we're signing off on the construction of this we

also at the same time have the developer sign off on the new timeframe of substantial completion of November 15<sup>th</sup> to coincide with the construction documents. Bonnie Enlow made motion to approve. Donna Burke 2<sup>nd</sup>. Motion carried 4-2 (MH, LC).

Mayor Hockenbury asked for approval of a parade permit for the Bullitt Central Homecoming Parade on September 27<sup>th</sup>. The Police Department nor Fire Department had any issues with the permit. Stacey Cline made motion to accept. Bonnie Enlow 2<sup>nd</sup>. Motion carried 6-0. City Attorney Walt Sholar read Proclamation proclaiming September 2018 as "City Government Month." Donna Burke made motion to approve. Lisa Carter 2<sup>nd</sup>. Motion carried 6-0.

City Attorney Sholar had first reading of Ordinance 018-267 AN ORDINANCE 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. Before this is resolved today you'll need to fill in the blank as to the ad valorem tax rate in Section 1. Bonnie Enlow: I asked Stephanie where we were at as far as the tax rate needed to stay the same or needed to increase. She said it needed to increase but she has something to tell us about that would keep us from increasing it. Controller Stephanie Kellerman: I had a discussion with two individuals from First Kentucky Securities Corporation and they pointed out that our bonds that were first issued in 2006 and they are callable after ten years so that means two years ago we could call the bonds and reissue. If we do call the bonds and reissue she has a plan that would save us approximately \$400,000 on the interest for these bonds. Also, we have ? to Regions Bank and they are in control of the money, they earn the interest rate and put it into securities; they earn all that money. She said we would have our own bank account and we would earn the interest; so, the interest would be on top of the \$400,000. The bonds are very technical; she has the answers, she did explain it to me and I understand the concept of bonds and how to calculate them and put them and put them on a financial statement but if you have any other technical questions she would come here and explain it to you but we have to have an Ordinance if we wanted to do the bond issue. City Attorney Sholar: Did she say what the cost of the issuance of the new bond would be? Stephanie: It's all included. I asked that; even attorney fees and she said every single dime is included in this \$400,000 savings. Mike Hibbard: That would be \$400,000 over an 18-year period? Stephanie: Yes. Donna Burke: You indicated we might not need to increase taxes but this being over 20 years and the anticipation of what we would save for next year is only \$29,000. Is that still going to make a wash for what we might get coupled with an anticipated raise Stephanie: That coupled with the fact that we've got an incredible amount of addition would make it ok for this year; just this year. City Attorney Sholar: One thing that struck me based upon what I just heard it is my understanding that the sheriff's office is clamoring for these rates; they want the City to call a Special Meeting so that they can get the tax rate set so they can get involved in proceeding with collecting the taxes. And if whoever you've spoken to is not going to be here until the next City Council meeting you've still got to think about you're going to be buying a pig and a poke. Keep that in mind. Mayor Hockenbury: We need to set that rate tonight and have a Special Meeting because the Sheriff's Department said they need them ASAP. Lisa Carter made motion to set both Real and Property tax rate at 13.7 cents per \$100. Bonnie Enlow 2<sup>nd</sup>. Motion carried 6-0.

City Attorney Sholar read Section One of Ordinance 018-267 again with the tax rate included.

City Attorney Sholar had first reading of Ordinance 018-268 AN ORDINANCE ESTABLISHING THE REAL PROPERTY AD VALOREM TAXES AND PROVIDING ASSESSMENT, EQUALIZATION AND

COLLECTION PURSUANT TO THE PROVISIONS OF KRS 92.280, ET SEQ.

A Special Meeting was set for Wednesday, September 12<sup>th</sup> at 10:00 a.m. to have the second readings.

**Daryl Lee, Planning & Zoning Appointee:** No report.

**Duane Price, Board of Adjustments Appointee:** Not present.

**Sign in Speakers:**

**Kenny Reno:** Free and Accepted Mason of Bullitt Lodge 155. I am here tonight to outreach to the Community and tell you a few things that we do as Masons in the Community to try to help our Community and be better men. We're starting a DeMolay Chapter. DeMolay is an organization for young men that are 12-18 years old. They have organizations and programs they go through for leadership skills. The Scottish Rite sponsors a childhood language development program. These are programs we put together to help children in need with language barriers. We raise money to provide funds for education, counseling etc. Bullitt Lodge and the Masons are on the outreach, we want to get to know our community and our community to get to know us and know there is a place they can come to as community members and say we need help, what can you do for us? The Masons come in and try to do what we can to help our community out in whatever it needs. CASA has a big need. October 12<sup>th</sup> from 7:00 to midnight we are going to have a dinner/dance at Paroquet Springs Conference Centre. Tickets are \$50 per person. Part of the money donated to CASA, part is going to be used to start DeMolay in Bullitt County. We want you to know we're here; we plan on being a part of our Community and we do a lot of good things. Bullitt Lodge #155 alone supports 12 different charities every year. We have a bicycle program for children with perfect attendance in school to have a chance to get a new bicycle. I'm here tonight to ask you to get involved with us. Help us out. I'd like to see each of your smiling faces at this event because there is going to be a lot of community there, Masons there and we want to talk about what we can do to help the Community. We do that by talking with you; not in a sitting like this but one on one to get your thoughts. Help us do things that will help our youth; they are our future.

Debra Lee: I wanted to show you my plot with the sewer and drainage easement and the drain at the street; that when we had the four inches of rain it busted through and there is a hole there. Mayor Hockenbury asked her to hold on to the paper and he would come by and look at it. Made mention that we needed more to do in the park.

Mayor Hockenbury: There was a miscommunication with the GOP reserving the Meeting Room on a certain

day; it's on a first come first serve basis. Somebody called before the other party called; the room is open to three parties who are welcome here; there was a miscommunication, I talked to her about it and she said she communicated with Kim Netherly, Secretary of the GOP and she was just fine with the date; there was a problem, evidently she didn't call ahead of time to get in and somebody had already booked that date but they are locked in for their date. She said if anyone is concerned about this to please contact her at info@bullittcountygop.com. Next year between October 1<sup>st</sup> and November 1<sup>st</sup> room reservations will be taken for the year.

### **Department Head Reports:**

**City Controller Stephanie Kellerman:** The Auditor was here this week; he said he will wrap up by November 15<sup>th</sup>, so we can get our financial statements by then. Our Forensic Audit, just to let you know what Gayla and I have been working on, every item in that Forensic Audit has been addressed by me or Gayla; nothing is paid without proper documentation; all approvals are made in accordance with our policy; nothing is paid unless we have all documentation. I review everything we pay. Every single thing in the Forensic Audit has been addressed including the college tuition, every purchase has a P.O. except if there is a contract signed or a utility. We check utilities to make track if they are staying in line with the previous month. The last item, bank accounts. I know that you wanted me to start consolidating them and we have closed four so far and combined them and it will be the same as the General Fund for the City where I have different line items for any kind of restricted account and then I'll have what is unrestricted. It will be very plain. I think I have a grasp on what goes in every bank account. We currently use 5 banks; I'm hoping to get that down to two.

- **City Engineer Arthur Jones:** During our budget talks you guys made sure we were putting money away to be sure to go ahead and move forward with a new Public Works Building. We've been soliciting for proposals for architects on the new Public Works building that we need to be constructing over in Frank E. Simon Park. We were able to get three proposals to that effort. One came from Work Architecture in the amount of \$51,750.00; another from Qk4, they partnered with Full Circle Architects to a total of \$49,765; and the third proposal from Keyes Architects in the amount of \$31,900. At this point Tom really needs to get going so that he can try to get those designs done and get it put out for bid hopefully before the end of the year so we can begin construction as soon as construction season opens up next year and there by I request a motion on part of the Council to award that project to Keyes Architects in the amount of \$31,900 to do the design effort for the Public Works building. Bonnie Enlow made motion to approve. Donna Burke 2<sup>nd</sup>. Lisa Carter: What was the size of that building? Arthur: We are working on the platform of the half million-dollar threshold as far as total construction cost with earth work and utilities. So, the actual size is a bit in flux right now; we're not sure if we are going to be able to get five bays in that building or if we can extend that out with six. It depends on what sort of material we use to do that. We're trying to look at it from the standpoint of making sure we're under that total amount but still get the biggest bang for our buck and get a building not only that we fit in but that we can grow in over the next five to ten years so that we don't run out of space as soon as we move in. Lisa: We've talked about this in the past. We get presented numbers with no documentation so until I can get some documentation to look over with these figures and what they've got in them I'm not ready to approve going on with that project. Mike Hibbard: I want to voice the same thing. We had two issue to recommend and award contracts on the Agenda tonight why didn't this one go on there? Arthur Jones: I received this final bid proposal today and although this evening I could have rushed back to my office and printed this out and handed it to you I did not do so. I can give

you copies of all three of these proposals in your email tomorrow. Donna Burke: Is there an urgency that would not allow us to take care of this at our next Council meeting? Arthur Jones: You can wait until the next Council Meeting. I was just trying to get that out to you as soon as I got the data. I've been accused in the past of not giving you information fast enough, so I gave it to you the exact date I received it. Mike Hibbard: Is this just the award of the design? Arthur Jones: Yes sir. Mayor Hockenbury called for the vote. \$31,900 was the motion just for the design. Vote taken 3 in favor; 3 against (LC, MH, GT); Mayor broke the tie with a yes vote. Motion carried. Arthur Jones: The next item I have Mayor is following up on your direction to coordinate with District 5 on what it would take to ? ; at the intersection of Highway 245 we were having a lot of traffic issues with the off ramp from 65 onto 245 was backing up so bad in the afternoon and evening it was getting to the point where traffic was backed up off the on ramp back on to 65 causing rear end collisions and some major accidents. Over the course of the last couple months the Mayor and I have gone to several KIPDA meetings and meeting with District 5 continually about this issue to make sure we're touching all the bases we could to figure out the solution to get behind this and get it fixed and as of two weeks ago we were able to get in touch with the right people, finally get some traction and some effort was put out there to re-time that lighting so that now instead of a 60 second time for that ramp to empty and merge onto 245 that's now been changed to 80 seconds so now traffic has an 80 second opportunity to empty that ramp and get on to Highway 245. Over the last two weeks I've been tracking that as it's happening to see how well it's been doing; that's a partnership between myself and District 5 engineer, giving them some feedback as to what he's done and what has been accomplished from their efforts and what the Mayor and I have done we've come to a conclusion that we think we fixed the problem. We think that this 80 second lead time is exactly what we needed between the hours of 4:00 and 6:00 p.m. so we've been tracking the last two weeks and will continue to track it and if any of you are down at that intersection, especially between 4:00 and 6:00 p.m. in the evening and you're coming off of I65 onto 245 if you have a comment call City Hall and let us know how that's going because we want to create that partnership with District 5 so they know where they need changes for us that we give them the proper feedback so we can get a better working relationship with them.

#### **Council Comments:**

**Stacey Cline:** I'm bringing up the GOP thing. I got a call from a person that's in the GOP. I understand they've used it for about two years and I don't understand how one person can change that date with not giving them a different date. It doesn't make any sense to me. They are not the only one that have called me about problems with ... I know some other Council members have had it; really, it's just about who is doing what because I've had other people tell me that they were set up for a date and they get there and it's not the right date. I'm just asking. What is the protocol? I'm on the City Council I need to know that. I'm not after anybody I just want to know what the protocol is. Does she, from my understanding they have had it for a long time. I don't understand. I was told they were told they could no longer use it. Mayor Hockenbury: If you have any questions and want to talk to somebody you can talk to the new Secretary. Stacey: My next question is I want to know for the City Council, did each one of you all get a letter from Eric Farris about the meeting on Wednesday night at his office? I would ask you all to go back and look at Centerview. It's directly behind Centerview. He wants to talk to us about the 50 units that City Council talked about in our meeting and please attend that meeting because there are some very concerned citizens. Question asked from the audience if that was legal for all Council members to attend a meeting. City Attorney Sholar: I was contacted by Mike Hibbard; his understanding was the meeting was supposed to be here about that matter.

The first thing I asked was if it was publicized; is it an open meeting for the public. There is an old case from Jefferson County; somebody vs Jefferson County Fiscal Court and Carl Brown. At the time Carl Brown was a Magistrate on the Jefferson County Fiscal Court. He was contacted by a developer that wanted to get something developed and he had a meeting with them. Actually, the vote didn't go in the manner in which that developer wanted it, so the developer filed a suit claiming that it was improper for the Fiscal Court members to have expatriate communication with anybody, developers, constituents, anybody of their area other than at the public meeting. The basis of the suit was they pointed out that Fiscal Court members, like City Council members, sit on zoning issues, they are sitting as a quasi-judicial body. Judges sit at judicial bodies and judges are not allowed to go to meetings at lawyer's offices or City Halls that are public meetings or otherwise to hear about matters that are going to come before them in their judicial capacity. Remember you sit in a quasi-judicial capacity when you sit on a zoning case. The Carl Brown case the court ruled that no Fiscal Court members can hear from their constituents individually; they can hear what they have to say, but you can't go to a meeting whether it be at Eric Farris' office or here at City Hall that is not a public meeting of the Shepherdsville City Council and discuss that zoning matter. You cannot do that. You cannot engage in the discussion whatsoever. Stacey: He sent that letter out to everyone of us and adjoining property owners. City Attorney Sholar: He can do whatever he wants. I'm not saying that it's illegal for you to go to the meeting. What I am saying is that it would be illegal for you to open your mouth. You can listen to what they have to say but you cannot engage in a discussion about it because you're going to be discussing City business if you do that.

**Donna Burke:** I attended the Ribbon Cutting we had for New Flyer this morning which was a pretty neat event. We had the Governor, Brett Guthrie, and several other big wigs here and the Mayor got to speak, and it was a really good event and I think it's an awesome new entity for our City. It's going to bring lots of jobs. The facilities are amazing. I'm excited about that new business here.

**Lisa Carter:** I also attended the Ribbon Cutting and actually saved a piece of ribbon that they cut this afternoon. The President of the Company and all the employees that were present signed them. We told them we would frame this and put it in here. It is a nice facility. Tom, would you be able to get a chainsaw out to Cooper Run Road and 61 and whack the old Shepherdsville sign down at that location and at 44 West at the VFW Post as well? They are supposed to be marking those this week, so we can continue with that project.

**Mike Hibbard Sr.:** Tom did you get those estimates for the electrical work at the ballpark? Tom LaFollette: I have only received one as of today from Hadley Electric and that was for \$15,100. That's all I currently have. Mike: That being under our limit can we go ahead with that Mayor? Controller Stephanie Kellerman: What is that going to come out of? It can't come from Admin because I made everything tight. Mayor Hockenbury: We didn't have a line item for lights in the park, right? Stephanie: We do not. Mike Hibbard: There is a suggestion to move money from line to line within Department. Stephanie: Don't we have to have an Ordinance to do that? So, we're going to spend all our money to put it in the paper? Mike: I think we've discussed that issue, but I agree 100% that you amend an Ordinance by an Ordinance. In the budget ordinance you have line item figures so the only ... Stephanie: So, we're going to put it in the paper. Mike: We discussed that. We discussed that it is very common amongst cities to do this in January or the end of the Fiscal Year to amend the current budget by moving monies within lines in a department; like we are doing already. Stephanie: What line items and what department are we referring to? Mike: I don't know. I've heard money being moved around before. Donna Burke: When we didn't have a line item budget it was moved around before. Mike: Even after. Is there no money being moved between lines yet today? Stephanie: No. Donna Burke: I don't believe so I think they are using form miscellaneous funds and professional. They use categories that are allowed. Mike: Is that the way they propose to amend the budget? Donna: It would require an amendment to the budget; then require it to be published. Mike: It seems to be a common occurrence amongst other cities that they don't have to do this and advertise it each and every time. City Attorney Sholar: No. If you have a budget ordinance and you have to amend that budget ordinance it has to be advertised just like any other ordinance. Mike: For one line. City Attorney Sholar: You change one line it has to be advertised. Here's what you can do, anytime you amend you can utilize a summary but any section

that you change has to be advertised and published in whole. You can't take just one line of a section. You have to publish the whole section. Mike: So, there is no money to fix the lights at the Park? Stephanie: Not in Admin, I don't know about anybody else's. Bonnie: We need to have time for her to figure out if there is a place for it. Gloria: Could you look into what might have been renamed from last year?

### **Gloria Taft**

: I attended the New Flyer Ribbon Cutting. It's an extraordinarily nice place. If you know anybody that needs a job send them up there. The entire warehouse is airconditioned. The fencing Ordinance that we addressed and we're going to revisit; I would like us to consider what we're going to do with the people that already constructed their enclosure based off the new law. Something to consider because some businesses and some persons have already spent money to meet the new law and if we're about changing it that may anger those folks who spent a lot of money. At the last Council meeting I asked for minutes from the Traffic Committee meeting and that's according to KRS 61 of the legal minutes act. Mayor you asked Arthur to prepare the minutes and get them to committee members and that to date has not yet happened. Mayor Hockenbury asked Arthur to work on that. Gloria: That was the reason I voted no about voting on something and waiting to get information afterwards. I was also contacted about a scheduling dilemma and Mike and I sat down with the Mayor and concerned citizen today and we've asked the Mayor to make a written procedure for scheduling this room so that at a particular date timeframe the entities that have reoccurring dates know when to call to request their date. Mayor Hockenbury: It's October 1 to November 1. That was done today. Gloria: Everybody who rents the place knows when they need to call to request their reoccurring date and after that timeframe is extinguished then it's a free for all whoever calls in. Mayor Hockenbury: 2019 has already been set it will be for 2020. Donna Burke: I wanted to ask if that also goes with the gym. City Clerk Richmond: We will begin to schedule gym, community center, meeting room.

**Bonnie Enlow:** I sent an email out a while back to all the Council about the job classification thing; I had some questions and I got one response out of everybody. I'm trying to get this finished up. I had questions about how you wanted to set the salary on the City Controller to match with the longevity and I need some feedback on that. I think everything else has been worked out. Walt has been checking for legality; that's the only thing I have left to get finished so I can get the final to Walt to finish. I gave you two options on what we could do because she started at a salary in between the beginning and the end and we either have to add her into longevity at where she is at, say she started at ten years to match what the scale is or we need to design a new scale that starts at where she's paid at and this is year one. Gloria: Is that not lawful because it gave her a different increase per year than other employees. Bonnie: I designed one, but I didn't send it out because, but I designed one that gave her an approximate type of raise that would fit in with what everybody else was doing. I started the scale at what she was hired in at as year one. Gloria: She is in year one. Bonnie: I will have to adjust the beginning and end on the Ordinance to do that and that's what I needed to know; does everybody agree with that because we can't pay somebody of her caliber what we had it set up as. I think the majority of all the ones who applied for the job wouldn't work under \$80,000 a year. That's what I need to know from you all – is that what you want to do? Start it at what she was hired at as year one. I can send you a copy of what I designed if you agree, so you can see I made it equal to what everybody else was doing. Gloria: Each employee within the Admin would be getting the same percentage of increase? Bonnie: They are not all the same percentages; basically, what was done is when you designed the beginning and end you took 26 years and you divided it out among 26 years that they got an increase every two years. I did hers the same way; started out at that amount, gave an ending amount and did an increase similar to what everybody else was getting accordingly. Mike Hibbard: Is this amending or repealing what's in place. Bonnie: We are repealing all the past; this is going to be a brand new one, each section will have its own section number so in the future if you want to change something we only have to change that one section.

### **Stacey Cline:**

Mayor Hockenbury asked for a motion to adjourn to Executive Session to discuss litigation and possible litigation with Arthur Jones. Donna Burke made motion to adjourn to Executive Session. Gloria Taft 2<sup>nd</sup>. Motion carried 6-0.

Gloria Taft made motion to return to Regular Session. Bonnie Enlow 2<sup>nd</sup>. Motion carried 6-0. There was no action taken.

Donna Burke made motion to adjourn. Bonnie Enlow 2<sup>nd</sup>. Motion carried 6-0. Meeting adjourned at 9:13 p.m.

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Curtis Hockenbury, Mayor

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Tammy Richmond, City Clerk