

**CITY OF SHEPHERDSVILLE
CITY COUNCIL REGULAR MEETING MINUTES
MONDAY, October 22, 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., Lisa Carter, Donna Burke, Stacey Cline and Bonnie Enlow

Mayor Hockenbury called the meeting to order at 6:33.

Mayor Hockenbury asked for motion to dispense with reading of the 10/8/2018 regular meeting minutes. Donna Burke made motion. Stacey Cline 2nd. Motion carried 6-0.

Mayor Hockenbury asked for motion to approve 10/8/2018 regular meeting minutes as written. Lisa Carter made motion. Donna Burke 2nd. Motion carried 6-0.

New Business:

Approve Parade Permit for Gym Tyme South on 10/27/18 from 6:00-9:00 p.m. A tractor will be pulling a trailer for a hayride. Stacey Cline made motion to approve. Gloria Taft 2nd. Motion carried 6-0.

City Attorney Walt Sholar had first reading of Ordinance 018-272; a request from A & H Lakeview Land LLC to rezone 7.79 acres, more or less, from R-1 Residential to R-3 Residential. Property is located at Lakeview Drive Lot 14 and listed in the PVA office as Parcel 045-SWP-02-030A. For clarification purposes for both the Council and Public, let me point out the Planning Commission gave an unfavorable recommendation on this zoning application #018Z-27 to they City. In order for the City to override that unfavorable recommendation the City must conduct a public hearing which will be held at the second reading on November 26th. They will take this up at that time if they determine to pass a Resolution tonight to override a regulation in the Bullitt County Planning & Zoning regulations which says that they must take action within 60 days or the Planning & Zoning recommendation takes effect by operation of law unless the legislative body determines to override that and extend that time period per KRS 100.211(8) to 90 days. If they determine to make this zoning change, they have to find fact of their own. If they determine to go along with Planning & Zoning's recommendation all they will do is adopt that recommendation and/or take no action. This Ordinance that was read would only become an Ordinance if they determine to pass the zoning change and if they don't there will be no new Ordinance. Bonnie Enlow: I would like to give each person that showed up to speak 5 minutes like we do everybody else and allow these people to talk. We owe it to them since they didn't know they weren't going to get to talk. City Attorney Sholar: I think you're treading on thin legal ground if you do that. This has not been advertised for a public hearing and if you conduct a public hearing on this matter now whichever way it goes if people are happy if it gets passed and the people unhappy that it passed want to file a lawsuit you're asking for trouble. And if it doesn't pass the people that wanted it to pass if they file a lawsuit you're asking for trouble because you cannot under KRS 100 you are not allowed to hold two public hearings. Donna Burke: Does that also go for any of those people who happened to come and sign in? City Attorney Sholar: You cannot conduct a public hearing on this issue tonight. Mayor Hockenbury: Those who signed up for the zoning on Centerview cannot speak. You will be able to speak on November 26th.

City Attorney Sholar read Resolution 2018-29 extending the time limit to 90 days for decision from the City on rezoning matters. Attorney Eric Farris: I'll be very brief. Mr. Sholar and I spent a considerable amount of time discussing this issue and I appreciate his time in that regard. I represent A&H Lakeview Land which is the rezoning applicant for this property. By this Resolution you are not doing anything to approve the rezoning you're giving both sides of the application who are the pro cons and those who are ? the opportunity to be heard and have ample time to present their position. The Statute allows 90 days. The Regulation also allows 90 days in the event a Resolution like this is passed. What we would like to do in light of the advertisement

not being made is give our applicant an opportunity to be heard and those who also want to be heard this opportunity and allow for final decision on November 26th. I would also like to say that there have been previous positions taken by certain members of the Council at a forum other than here at the City Council at the Commission and Board of Adjustments and in addition there are members of the City Council who reside on Centerview Drive which is adjacent to this proposed development. I ask respectfully that they not take action on this Resolution or in the rezoning. Donna Burke made motion to approve. Gloria Taft 2nd. Motion carried 4-0-2 abstentions (BE, SC).

Mayor Hockenbury asked City Attorney Sholar to have first reading of Ordinance 018-273 closing a portion of the public way known as Keystone Crossroad Drive. City Attorney Sholar: You have other things that you need to do before you pass an Ordinance. What I sent over to Arthur, under KRS 82.405 if the City has in mind to close a public street there are steps that have to be taken in order to do that. It is my understanding that the City is considering closing Keystone Crossroad Drive for some development because there are some that believe it will improve the ability to perform some construction there that will help the traffic pattern. In order to take that matter on the City first has to send written notice to all of the adjoining property owners of the area that the property adjoins. The only adjoining property owner that I'm aware of is Dixie Highway Development III LLC. If that has been done, and I have not been given the status that it has, then the City can continue; the City has to have received consent from the property owners that adjoin the road that is being considered to be closed; the City Council has to pass a Resolution making a finding of fact that those two things have happened and that Resolution would be 2018-30 and I will read that.

City Attorney Sholar read Resolution 2018-30 making findings of fact regarding proposed closure of a portion of the public way known as Keystone Crossroad Drive. Lisa Carter: How long does this road plan to be closed? Arthur Jones: Permanently. Lisa Carter: So, the new road is going to be right in/right out. Bonnie Enlow: Is it immediately they are going to close it while they work or is this going to be when they are ready to switch over? Arthur Jones: When they are done. Knowing that the Council schedule is what it is we realized last week that if we're going to get this done before the end of the year, we need to get the ball rolling because the Ordinance that follows this resolution is going to take two readings to happen. When the new road is open and ready, we want at that point to go ahead and close the old road, so they can go ahead and continue with construction. Gloria Taft: Nowhere in this documentation does it state that the old road would not be closed until the new road is open. Arthur Jones: That's in the construction drawings and the contract. Gloria Taft: It's not in an Ordinance so it's not in our laws. Why can't we have something in there stating this road will not be closed until the new road is open? Arthur Jones: It's not necessary. It won't be closed until you have the next reading. The closing of this road is up to you and your timing as a Council. Gloria Taft made motion to reject this Resolution at this time. Motion died for lack of second. Eric Farris: This is short notice for everyone I know. What is being attempted here is to put the Keystone Crossroad revisions on a faster track because originally we had an October 1st completion date in an agreement with the City and obviously that was not possible so we had to approach this differently, bids have been let, the contract awarded and Flynn Brothers are moving as fast as they can with the anticipated completion date of December 15th on the revised Keystone Crossroad and I hope you're aware Keystone Crossroad will not make a 90 degree turn essentially just past Panera and come across the drainage ditch beside Cattleman's and exit where the entrance is beside Ken Towery right now with a number of other improvements to the infrastructure there. Bonnie Enlow: Walt, can we add in the Resolution and Ordinance that we have before us today, can we add in there that this road cannot be closed until the other one is ready to open? City Attorney Sholar: The Resolution has nothing to do with closing the road other than KRS 82.405 requires that before the City ... there are two different ways to close a road one is without the consent of the adjoining landowners and the other is with consent of the adjoining landowners. Doing it with consent of the adjoining landowners is the easy way. That is the way you can do it by making the finding that they have been notified and consented and you've got that documentation in the City's records in writing and then you pass an Ordinance that says that it's closed and once the Ordinance is passed and filed with the County Clerk that road is no longer there. The harder way is you ultimately have to file a lawsuit to close the road. The Resolution; the first thing that has to be determined is you have to have a record in the City's records that you all have found as a matter of fact that Dixie Highway Development III LLC has been informed of the closing and that Dixie Highway Development III LLC has consented to the closing. You have to find that it is the only adjoining property owner of that road adjoining

up to the portion that is going to be closed. I assume Arthur has checked that out and is prepared to give a statement that is so, but you have to make that finding of fact before you can consider closing it. Bonnie Enlow: The Resolution I understand; on the Ordinance that we're going to have first reading on after we do that? City Attorney Sholar: You're only going to have a first reading on it if somebody says we really want a first reading on this because somebody has to sponsor the Ordinance. Bonnie Enlow: So, we don't have to have a reading on it and we can get it corrected before we have a reading. Donna Burke: Why would Frisch's, Wendy's, Starbucks or any of them not have some say as they are on that road. City Attorney Sholar: Roadways going back to time; roadways are to enable someone to get from where they have property out to other places. No action taken on the Resolution. Bonnie Enlow: We can schedule a special meeting once we get this paperwork right for us. Mayor Hockenbury: We will have a special meeting for reading of the Resolution and Ordinance.

Lisa Carter: Traffic Committee meetings have in the past been at 5:30; I would like to see those meetings moved to a later time so we can get more people to attend. Bonnie Enlow: We can move them to the Monday we are not having a Council Meeting. Lisa Carter: That's fine.

Daryl Lee, Planning & Zoning Appointee: No report.

Duane Price, Board of Adjustments Appointee: Not present.

Sign in Speakers:

Steve Larimore, 185C Michelle Dr: Just wanted to know if you've received an answer. Tom LaFollette: They are going to try to meet me there the first of the week and go over exactly what we want done; it was not in the original work. Corky Miller: I live on that section that didn't get blacktopped. The problem that exists there is the sewer line is right on the corner of each of those properties on each side of the street. When it rains because of the concrete curbing where the sewer line comes down there is room for water to stand when it's snow, ice, raining. When it snows it's going to be slick and its right in the area where you go to get your mail out of the box.

Council Comments:

Mike Hibbard Sr.: Asked how an invoice is determined to be paid and what account it is paid in? Mayor Hockenbury: Stephanie will be back Wednesday. Mike: Stated we didn't have any markings on our new trucks. Do we have those marked yet? Mayor Hockenbury: We're working on decals to see if we're going to change anything. I've notified them we are going to take care of that. Mike: Asked about IDs on those or someway of tracking? Mayor Hockenbury: Unless they come from the factory with a theft device I don't know. Mike: Asked about GPS tracking? Mayor Hockenbury: No.

Gloria Taft: Asked about September reports. Still do not have corrected copies for year ending June 2018. Donna Burke: Stephanie is working on both. CityWorks and Crystal Reports has inventory and it was going to be set up for Sewer and Pubic Works. Asked if that had been set up. Mayor Hockenbury: We're using CityWorks; I'll check on the inventory control portion of the program. Asked about the November deadline for the Audit. Is Auditor going to meet that deadline? Mayor Hockenbury: Will have to ask Stephanie. Gloria: May 23rd we voted to approve a Resolution for FEMA Disaster Relief Funds, was it approved? Deputy City Clerk Weidekamp stated we're still working on it. Gloria: According to the news there was a \$90,000 check written to Corp of Engineers for the Park; what line item did that come out of and expand a little bit on what the City is going to receive for that money. Mayor Hockenbury: You funded that in the budget. It's in the Public Works budget; \$100,000 for master park plan. Stephanie can get you the line item when she gets back. Gloria: Council has talked before and there was discussion about having bids opened at City Council meetings so that City Council has knowledge of the bids being opening, what has happened. I would like to present a Municipal Order stating that bids are opened at City Council meetings. KRS 83A010(9) and KRS 83A.060(13) provides for the City Council to specify certain guidelines to the City bid process. The City Council so desires we could as a group, the six of us, specify that all bids received by the City of Shepherdsville are to be opened at a City Council meeting by the City Attorney or City Clerk. Stacey Cline 2nd. City Attorney Sholar read Municipal Order 2018-02. Motion carried 6-0.

Donna Burke: Announced the next HOPE Dinner for the homeless will be Wednesday night, 10/24, at the Community Center.

Stacey Cline: Thanked Layne and the Fire Department guys for help with the Forum here that Shepherdsville sponsored; microphones didn't work, didn't have the Wi-Fi password, Layne pulled it through and got us the help. I have had several complaints on Dawson Drive. 181 and 153 Dawson Drive, the backyards are full of trash, cars and junk. Received a call about a trailer parked on Highland Court on the right-of-way in Settlers Gap. There is high grass behind the Church of Nazarene on the fence; it is directly behind the apartments near First Harrison.

Bonnie Enlow: Thanked Tom Chamberlain for cutting the grass on Riverview. I see Arthur is driving an F-350 back and forth to work. That is supposed to be for the Sewer Department. I don't see why somebody not doing physical labor has to drive a very expensive truck. Asked why Chuck Keith can't run the Sewer Plant by himself while Scott Fleming is off. Asked why Arthur did it when he has so much other work to do. We've got a perfectly trained person to run it and he's not getting to run everything. Just addressing my opinions on money we are spending. Drainage on Pointe Boulevard, second house on the right where it comes down off the hill, nothing has been done they said nobody has been by to see them and talk to them about it. We need to find a way to take care of these people. Pay Scale and Job Classification Ordinance, we got through a long of issues on the main verbiage, I'm now held up trying to get information that will benefit the employees for the longevity pay. Asked about the Police contract we are supposed to pass for them? I've been to Steven Drive several times; they are working on those cars and trucks. It is not in their zoning; we need to put a stop to it. Mayor you asked me about the Reading's being able to rent that lot over there. I said I don't see a bit of problem with them leasing that. Mayor Hockenbury: That lot was purchased for sewer expansion. It doesn't have an encroachment, so you would have to go to the State to get an encroachment for a State road. I didn't think the taxpayers would want to pay for an encroachment for that. Bonnie: Why don't we lease it out to the Reading's? City Attorney Sholar: The City can lease property that is not being used. I was advised that the property is zoned Residential. If the property is zoned Residential whether the City owns it or the Reading's lease it it cannot be used for anything other than a residential purpose without changing the zoning. Bonnie: They are willing to take care of doing that. City Attorney Sholar: That would be another process to do but the Reading's or whoever, it's about any citizen the City can lease its property to them if the City has no current use for it. The use of the property is another issue. Stacey Cline: How are we supposed to work with the citizens if we don't know what's going on? Mayor Hockenbury: Talk to the homeowners over there and see how they feel than come back to discuss. Stacey Cline: What about the property owner on 7th Avenue? Deputy City Clerk Weidekamp: There is a problem with that because it was acquired with FEMA funds. I called the State. City Attorney Sholar: You can lease FEMA property; you can't build on FEMA property. Deputy City Clerk Weidekamp: They said we would have to get permission and go through the Regional Office in Atlanta and there is a lot of process and they said it's slim getting that approval. City Attorney Sholar: The contract where we purchased the contract does require approval. Maybe in prior administrations it was hard to get that done. It may not be as hard to get FEMA to work for folks as it used to be. You can't move dirt; you can't dig holes in the ground; you can't put structures on it, but it can be leased. Deputy City Clerk Weidekamp: It will have to stay public space and once you've leased it; he could say I'm leasing this stay off of it. That's what they told me when I spoke to them. It has to stay unless you go through the Regional Office and something else and somewhere else and get them all to approve it. You're talking a long process.

Donna Burke made motion to adjourn. Lisa Carter 2nd. Motion carried 6-0. Meeting adjourned at 7:56 p.m.

Curtis Hockenbury, Mayor

Tammy Richmond, City Clerk