

**CITY OF SHEPHERDSVILLE
REGULAR COUNCIL MEETING MINUTES
MONDAY, JULY 27, 2020
6:30 PM**

Meeting held via YouTube link on website for public viewing.

Pastor Tom Elbert, Divine Savior Lutheran Church gave the invocation.

The Pledge of Allegiance was recited.

Mayor Hockenbury called the meeting to order at 6:36

ROLL CALL:

Present: Lisa Carter, Stacey Cline, Bonnie Enlow, Deb Huffman, Kenny Newton.

Absent: Larry Hatfield

APPROVAL OF MINUTES:

Lisa Carter made motion to approve 7/13/2020 meeting minutes. Deb Huffman. Motion carried 5/0/1 absent.

Mayor Hockenbury introduced Jacob Hurst with Kentucky Earthworks to address the Council regarding sewer tap on fees for Highland Meadows subdivision.

My name is Jacob Hurst with Earthworks LLC out of Bardstown, Kentucky. I also do some developing of my own, which is this Highland Meadows development located off of Nancy Drive, off of West Blue Lick. We are currently in the process of trying to sell those lots. We have several buyers lined up; but the sewer tap fees are a big hang up for them. It was mentioned other developments around here that's had some sort of forgiveness. I don't know what developments and what kind of forgiveness was given. We're looking at well over half a million dollars in tap fees. That's killing the deal. I was looking to see if we could negotiate a better suitable deal so we could sell this property and they can start building.

Councilwoman Enlow asked what kind of buildings are going on the property. Mr. Hurst: We're looking at probably what's already down there which would be townhomes and apartments. Ms. Enlow: And this is in a flood zone. Mr. Hurst: Actually, it is not; I can send some more information. It's just beyond the flood zone. These 43 lots are just out of flood zone by about a few hundred feet. Someone out of City Hall sent me the floodplain map. It's very clear to see what lots are in the flood zone and which ones are not. I could provide that if necessary. Ms. Enlow: What is the access to this property? What road is used to get to it? Mr. Hurst: West Blue Lick is the road used to get to Nancy Drive. Nancy Drive is actually going to make a full circle. The site is 90% complete other than the construction of the entrance to get paved, the curbs will be done once construction begins, we will finish that entrance so all construction traffic can use that route and not go through the existing subdivision where the residents live. Ms. Enlow: We already are needing to put new clarifiers in and I'm talking millions of dollars that we're going to have to spend that's going to create a problem on us. If we reduce the prices of the sewer taps for you we're going to have difficulty paying for what we need to pay for. If we give a discount like this, and we don't give our citizens a discount; it's a little unfair. We have given stuff in the past but right now with the COVID; not knowing where our money is and the government controlling everything we're doing right now I'm afraid to reduce prices. Nothing against you all. It is a bad time for us to reduce prices on something. That means whoever buys a lot themselves \$2600 more gets tacked on to the sale price. That's normally what happens anyway. Right? You're going to take all your cost and put it on that house and sell it. Mr. Hurst: Yes, that's true. And I understand

your concerns there. What I would be more concerned of is this if this becomes a problem and selling is an issue. You know, it's going to sit vacant possibly. But I think to get the ball rolling and get some builders in the door, it could be a good incentive to get some building moving down there. It has set stagnant and has been sitting there for about 15 years now. Ms. Enlow: We've got so much has been built in the last 20 years that we've got flooding in places that we haven't even we thought about. They were going to build 500 homes, which was going to just kill us if they came in. And we weren't giving them a sewer break. I just think that right now is not the right time for us. Mr. Hurst: All I ask is you think this over and talk about it. I'm not asking for anything that hasn't been given before. I was told without any evidence given to me that there was some sort of precedent for this through other developers in that area when it's multi residential. You know when you build apartments you technically have that line once and that fee for units, but what I was told is that we get charged per unit. That's a hefty cost. And if I need to bring the buyers here, but that's what they're telling me if I can get this reduced in some sort of fashion, like we have a deal and they intend for us to begin immediately. Councilwoman Carter: Will these units be for rent or sale? Mr. Hurst: I'm really not sure I don't know if they're looking to rent or sell them out Ms. Carter: You said there is 43 lots available. Do you have any idea of what ranges are going to be for the water supply? Mr. Hurst: That's where we're at, I guess this really is associated with the sewer fees. They're currently listed for \$25,000 for the smaller lots and \$35,000 for the larger lots. So we have a fair price for them. But when you multiply that by how many units could possibly go in that that's going to be an issue? Ms. Carter: You said that some point of the property is in the floodplain do you plan on bringing dirt in to raise it up? Mr. Hurst: We do not because our side of the development is not in the floodplain. It's the first phase that we bought from the Lundy that is in the floodplain. All 43 of our lots are out. Ms. Carter: What's the size lot? Mr. Hurst: They range anywhere from 3/10 of an acre to 3/4 of an acre. Mayor Hockenbury: We've addressed this before we wanted to provide the one development applicant prior to the ordinance. Mr. Hurst: If these were single residential homes, it would be a little bit easier dispersed but when it's apartment buildings and you've got to multiply that on top of lots, it's very heavy sewer fees for that. I was here at the last meeting two weeks ago and I totally understand your concerns. But we all know, you know, taxation is great, but overtaxing can really hurt.

City Attorney Tammy Baker had first reading of Ordinance number 020-11 an Ordinance pursuant to KRS 81A.412 annexing into the City of Shepherdsville, Bullitt County, Kentucky 46.79 acres of unincorporated territory of property owner of record best CDF Builders Inc. by consent of all property owners of record of the properties.

City Attorney Tammy Baker had first reading by Summary number 020-009 an Ordinance repealing Ordinance number 011-084 and establishing fees for usage of the City of Shepherdsville's Wastewater Treatment Facilities. Councilman Kenny Newton stated under Section 5: rates and charges, number 1 the Ordinance says the rate shall be increased or decreased automatically on January 1st without further action by the City Council. He stated we would rather it come before the Council. Ms. Carter asked how the Capacity fee is calculated. City Engineer Arthur Jones explained there is a formula on page 9 in the bottom paragraph. Capacity charge will be calculated by multiplying the unit capacity charge times the gallons per day and for point of reference estimated flow of a single-family unit for residential purposes is 214 gallons per day. I think that's where that \$634 comes from.

Unknown Speaker 32:21

City Attorney Tammy Baker had first reading of Ordinance number 2020-010 an amendment to Ordinance number 013-137. Ms. Enlow asked about the chromium, Hexavalent where 0.86 was marked out and then they left it at 0.86? Is that correct? Mr. Carl Horneman, Attorney with Wyatt, Tarrant & Combs LLP who authored the Ordinance stated he would check on that number.

City Attorney Tammy Baker read Resolution 20-05 a resolution relating to the City of Shepherdsville authorizing the filing of a Coronavirus Relief Fund ("CRF") application for reimbursement of incurred expenses in CRF funds with the Department For Local Government ("DLG") authorizing and directing the Mayor to execute any documents which are deemed necessary by DLG to reimburse City; and authorizing the Mayor to act as the authorized correspondent for reimbursement. Councilwoman Bonnie Enlow asked if this will reimburse our tax

money that was paid to employees paid to stay off work? City Attorney Tammy Baker: we will fill out the application and get as much as we possibly can, it will cover the salaries 100% of what we have paid to our police officers and first responders from March through December 2020. As long as the money doesn't run out, they will be covered in their entirety. So we're looking at a decent amount of money potentially coming back. Kenny Newton made motion to approve. Lisa Carter 2nd. Motion carried 5/0/1 absent.

Councilwoman Enlow: Why are Council reports not on the Agenda? Mayor Hockenbury: It was an oversight. Do you have something you want to talk about? Ms. Enlow: Yes, I do. First off, I would like to see if we can't put a biohazard box for needles outside either the Fire Department or Police Department. Something that if someone finds needles lying around or in your yard you have a place to get rid of them. They don't want to just throw them in the trash. I think it would be a good public service for us to provide them with a place to put these needles.

Councilwoman Stacey Cline: Asked City Engineer Arthur Jones if he knows what's going on with Kenann Sharp's property at 410 Centerview. City Engineer Jones: There wasn't an easement. There's not a blockage. We've done videos of those lines. Some pipes in that area are PVC but most are terracotta. Ms. Cline: Well, this is the fourth time her basement has flooded and sewage came up through her washer. She contacted me today and she's pretty upset about it. Stacey asked City Engineer Jones if he could talk to her. City Engineer Jones stated he would.

Councilwoman Lisa Carter: I had mentioned at the last meeting the Sewer budget line item 7031 has \$100,000 in it and that was supposed to be put to zero. Do we have any timeframe to amend the budget for that? I would like for it to carry over on the next agenda until it gets taken out, so it doesn't get forgotten about. There is another item, the MS4 that is also a Sewer Department line item. Should that not be in Public Works instead of Sewer Department for the MS. City Attorney Jones: MS4 is a State mandate concerning storm water runoff. There's an overlap of duties with storm water and sewer water. Ms. Carter: Reported there is high grass at the Transmission Shop on 44 West. Mayor Hockenbury stated he and Code Enforcement Officer Ray Page spoke about the Transmission Shop today. He sent a letter out. Ms. Carter: Also the alleyway behind CVS and then there's a drainage ditch actually beside one of the businesses that has so many weeds they have just taken over and completely clogged, all that needs to be removed so that will drain freely. I mean, we have so many drainage issues and this is an easy fix. Ms. Carter: The other question I have is on deed restriction. And I don't know if anybody can answer this if you're not there when deeds are made up and restrictions are made and specifically states certain things are not allowed. There is a five-strand fence with electrodes attached to it in someone's yard. So is there nothing that can be done City Attorney Baker: If it's an ordinance violation, yes, 100% that's the city. If it's a deed restriction, that's going to be a private right of action either by homeowners, homeowners association, or just citizens who want to file a lawsuit, but it would have to be an Ordinance violation for the City to take action on it. But yes, we need to research and see what type of or if we have any type of nuisance under our Ordinance. That's entirely possible. If it's for a medical issue the electric has a little yellow triangle indicating the safety issue for the Fire Department. if we're strictly talking about a deed restriction, the City wouldn't get involved when it's possible that what you're talking about could fall under our nuisance Ordinance. Ms. Carter: I just wanted to thank Mike for getting the reports that I had asked for at the 13th meeting. Also, there was an Executive Order read stating that in the Mayor's absence he would appoint the City Clerk to fill in for his duties if he were unable to, and then it went to Brenda. The question that was asked was to see if that was illegal. Do they have to live in the City because one party lives out of State?

Councilman Newton: People who came in to sign in to speak at this meeting was told there are no sign in speakers tonight. I want to know why it's not on the Agenda. I want to make sure that if it is a regular meetings people can sign in to speak. Mayor Hockenbury stated it will be on the next meeting's Agenda.

Councilwoman Cline: I have gotten a call and actually there was a post on Facebook. There is a lot of concern about children driving golf carts There is a family that's got four or five kids driving golf carts across 44. They had an accident and had to call EMS. I witnessed how fast they go and it's a very dangerous situation. I know about

where the house is, but they just kept putting more kids on it. There was literally like six kids hanging out of the golf cart. We all know this is happening. People may not even have permits from the Police. We need to rise to help. Call 911. I know that we give some kind of a sticker. We need a picture to see what the sticker looks like. It probably needs to be big enough that we can see it too. Mayor Hockenbury: I'll have Rick or Tammy get a picture of the sticker; that way you can tell the people what is required to ride a golf cart of City streets.

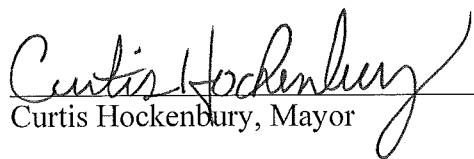
Finance Officer Stephanie Kellerman: I need the go ahead to purchase laptops or tablets. I thought I was going to do a hybrid, whatever you preferred. But when I spoke to Kyle at Louisville Geek he thought it would be better for what I was explaining to him what I was going to use it for that we all go with laptops and he said the business laptop is about \$1300. That's going to put us over what I had budgeted. I do think it's important that you all get laptops, and I just need your permission or know if you don't want to do that. What would you like? Ms. Carter: What was the amount that we had budgeted? Ms. Kellerman: about \$600-\$800. Ms. Carter: So where are we going to move that money from? Ms. Kellerman: We didn't use any last year out of your legal expense. Councilwoman Enlow: For our citizens wondering why we're getting laptops. They send us all the stuff that they print out all the time to us. By using the enterprise programs that we're able to access that will allow us to track everything that's done; with vehicle mileage, getting oil change; all maintenance. There are other things with social experiment software you see real time how much money we have; real time view of the budget. The biggest reason is that we won't kill near as many trees with this. If one of us leaves it goes to the next person that comes in, it'll actually save money. I make a motion that we raise that to the amount of money that you need for the budget. Second by Lisa. Motion carried 5/0/1. Financial Officer Kellerman: Tammy and I've been conversing about the equipment in the meeting room. I gave her a short little list of what CR was working on, to make sure that everything got transferred over correctly.

Councilwoman Enlow: When we upgrade the system in the meeting room be sure there's something there so that when we broadcast out to people, they can actually hear the information.

Councilwoman Carter: Can we go ahead and get prices on painting this building?

Carl Horneman, Attorney, Wyatt, Tarrant & Combs: I was able to go back and look at the actual State Approval Letter and your current rates. It is correct as written and did not indicate a change to the Chromium/Hexavalent number of 0.86.

Kenny Newton made motion to adjourn. Lisa Carter 2nd. Motion carried 5/0/1 absent. Meeting adjourned at 7:30 p.m.


Curtis Hockenbury, Mayor


Tammy Richmond, City Clerk