

## **MINUTES FROM NOVEMBER 10, 2016 BANCROFT MEETING**

The regular scheduled meeting for the City of Bancroft, KY was called to order by Mayor Jeff Magers at 7:00 P.M. on Thursday, November 10, 2016 at Episcopal Church Home. Those present: Mayor Jeff Magers, Commissioner Mary Jude Constable, Commissioner Matt Tungate, Commissioner Ed Evers, Commissioner Bryan Berman, Treasurer Arnold Shaikun, Clerk Shannon Tuthill, Police Chief Anthony Yeager, Attorney Noel Halpin, residents Ben Weible, Angel Rivera, Bob Showalter, Mike Lorenzen, Ben Weible and Al Glaubinger.

Mayor Magers proceeded to review the October meeting minutes. Commissioner Evers made a motion to approve the minutes. Commissioner Tungate seconded, all were in favor and the minutes were approved.

### **REPORTS:**

#### **Clerk**

Clerk Tuthill reported that we still have 16 residents that have not paid their taxes and that is the highest she has seen after the early payment discount period. This week Clerk Tuthill sent reminder letters to those residents.

We have two people that offered to deliver the newsletter for us for the \$30 we are offering. One is Lisa McClain and the other is 17 year old Grace Lawler. Mayor Magers made a motion to hire Lisa McClain, Tungate seconded and all in favor.

Also, Clerk Tuthill indicated she had tried again to have PNC add Ed Evers as a signature on the account. We need to have it in our meeting minutes and perhaps voted on that we are changing the signers and adding Ed. Commissioner Berman made a motion to approve Ed Evers as a signer on all Bancroft accounts. Mayor Magers seconded. There were four votes in favor and Commissioner Evers abstained.

#### **City Maintenance**

Commissioner Berman reported that the no outlet sign on Tavener with graffiti on it does belong to the City of Bancroft. He scrubbed it clean and was able to remove most of the graffiti. This should be sufficient for now but should be replaced when the other street signs are replaced.

Mayor Magers added that the Bancroft Lane sign has fallen and needs to be put back up or removed.

#### **Communication and Public Outreach**

Commissioner Tungate had nothing new to report.

#### **Public Services**

Commissioner Constable had nothing new to report.

## **Police Department**

Mayor Magers asked if everyone was able to review Chief Yeager's report. His report was as follows:

There were 158 patrols of the city. There were 153 Radar/Traffic zones set up for high Police visibility. There were 20 visits to resident's homes for our "House Watch" program. There were 8 Traffic stops. There was 1 Solicitors stopped. Jen Care Company warned. There were 9 warnings issued. There were 0 state citations issued. I backed up the Graymoor-Devondale Police Department 4 times. I made trips to Tavener, Maria and Wesleyan to make residents aware of the no trailers and no boats ordinances. Currently all of these violations have been corrected. I spoke with the resident on Wesleyan about a "Fire Pit". He told me that he was not going to put one in. I forwarded the Jefferson county ordinances on this to Mayor and Commissioners. I noticed some new construction on Tavener and asked the residents to get permission from the city. I also gave them a copy of the Land Usage section from our city ordinances. I helped a resident look for their dog that had gotten loose. I sat in the police car on Tavener and on Stayton with the windows down and the engine off in order to listen for a barking dog. No barking dog was found. While doing a house watch, I found what appeared to be a tent in the backyard. I notified residents and they took object down when they return from vacation. I had repairs made to the police car. The radiator fan assembly failed and had to be replaced as soon as possible. The police vehicle would not have been usable until this was fixed.

Mayor Magers reported regarding the resident complaining of barking dog on Tavener. Chief Yeager has never heard the dog barking. Resident complained to Louisville Metro and we have heard nothing further.

Police car started overheating and needed the radiator fan assembly replaced. This was taken care of at a cost of \$446.38

## **Finance and Administration**

Commissioner Evers had nothing new to report.

Treasurer Shaikun passed out his final Combined Balance Sheet for the end of the fiscal year. He explained he mirrors the auditor's report that is prepared in the audit years. The treasurer's report indicated we were \$50,000 above our budget on accrual basis; however, the report indicated we had \$49,826.61 in revenue over budget that was transferred into reserves.

Commissioner Tungate had questions regarding the mileage that is reimbursed to the clerk. It seemed excessive but was explained that during tax season there are several trips to the bank and clerk does keep a record of mileage that is turned in for approval.

Additional question raised by Commissioner Tungate about the depreciation on police vehicle in the budget. This needs to be included in budget and Mayor Magers said that now that he is aware of this he can include it in his police budget for the year. Mayor Magers asked Treasurer Shaikun why he was not notified of this until four months after the end of the fiscal year. No



answer was forthcoming. Treasurer Shaikun indicated there would be no further depreciation on the police vehicle for the current fiscal year due to the age of the vehicle.

## **NEW BUSINESS:**

### **1. Possible Change in Ordinance Regarding Leash Law and Invisible Fences**

Commissioner Tungate thanked Chief Yeager for sending the Metro Louisville Ordinance to everyone for review. He stated the issues he raised at the prior meeting really do not merit the need to change the Bancroft ordinance. Commissioner Tungate recommended some reminders in newsletter. In accordance with the Metro Louisville Animal Control ordinance residents are supposed to have a sign indicating that the existence of an invisible fence in the yard. There are Bancroft residents that are in violation of this ordinance as they do not have a sign indicating the existence of an invisible fence and they were also not present while their dogs were out. Commissioner Tungate requested a reminder in the newsletter about the sign requirement for an invisible fence.

Resident Showalter added that the rental across the street from him on Maria lets their dogs out in front yard several times a day with no invisible fence and no restraint.

Resident Showalter additionally complained about a resident trailer being parked in front of home for an extended period of time. He would like to see it moved sooner. Also, he has issue with cars being parked on street in front of homes for extended periods of time. We do not currently have an ordinance prohibiting parking on the street, except for longer than 24 hours in any one place. Mayor Magers indicated we could consider changing this ordinance but that will take an extensive amount of time, since it takes a minimum of two months to pass an ordinance.

Resident Glaubinger asked in the meantime could we put a notice in newsletter to please be considerate of neighbors and not park cars in front of peoples driveways.

Mayor Magers said we appreciate him letting us know and we can place on the agenda to discuss this next month.

Resident Ben Wieble spoke to say he felt it was his responsibility to come to the meeting as he has a dog and an invisible fence and wanted to let everyone know that he will work with the commission to be compliant. He will place a sign stating that he has an invisible fence. We will send the city of Louisville ordinance to Mr. Wieble to review.

### **2. Adoption of the New Sexual Assault Investigations Model Policy as Required by KY Law (Senate Bill 63).**

Mayor Magers indicated this policy was required to be in compliance with a statute recently passed by the state legislature. We took the model policy provided by the Department of Criminal Justice Training and filled in the Bancroft name as required. If a sexual assault happens within the City of Bancroft Chief Yeager would not complete a sexual assault investigation but would contact Louisville Metro Police detectives to complete the investigation in accordance with their policy. Chief Yeager is fully trained and capable to complete such an investigation but doing so would take him away from the city to pursue the investigation.



Instead LMPD would conduct the investigation and Chief Yeager would stay updated on the LMPD investigation and keep the Mayor abreast of the situation.

Mayor Magers made a motion to adopt the new Sexual Assault Investigation Policy as written. Commissioner Tungate seconded all in favor and the motion passed unanimously.

### **3. Construction Proposal for 2317 Tavener**

Resident Mike Lorenzen is present to discuss construction he had begun in the front of his property. Chief Yeager noticed the construction beginning and let him know that he needed to obtain approval from commission for construction. Mayor Magers then contacted him to let him know he needed to obtain approval and if possible to send plans for review by the commission prior to the meeting. The issue with the construction is that there is a ramp down the side of the property and he has installed posts for a 6-foot wooden wall in the front of the house to hide the garbage cans. There would be a wooden deck behind the wall. The wooden wall would be 6feet high and 6 feet wide.

It was noted, the Bancroft Ordinance 150.03(H) reads in its entirety: "No fence, continuous dense hedge, wall, or retaining wall shall be erected nearer to the front property line than five feet forward from the rear foundation wall of the residence. Rear yard walls, solid board fences, or fences of a closed type of construction require approval of the City Commission and a building permit issued by the City Clerk. Rear yard open-type fences shall not exceed five feet in height."

Mayor Magers asked resident Lorenzen to explain his plans. Resident Lorenzen apologized that he did not know about the ordinance. He has lived here two years and has done a lot of updates on the home. There currently is no easy way to get from the front yard to the back without going through the inside. He wants to make it attractive and functional. He has spoken to neighbors and no one has an issue with it. Discussion ensued over the plans.

Commissioner Tungate stated the ordinance is written we cannot allow a wall to be built on the front of the property. Attorney advised we cannot ignore ordinance as written but could in the future modify the ordinance, but we have to for now follow the ordinance. Mayor Magers said that if we were to allow this wall in front of home then others would also want to build and it would get out of control if someone wanted to build a wall or fence across entire front of a home.

Commissioner Tungate moved that we approve the construction proposal except for the 6-foot wall in accordance with the plans as provided by Resident Lorenzen. This would include the deck and ramp. Commissioner Evers seconded. All in favor and the motion passed unanimously. Commission advised Mr. Lorenzen that if he comes up with a different idea that he is welcome to submit it again to the commission.

Resident Showalter raised question about building a wall. He would like to build a rock wall on the back of his property and wants to know how tall the wall above it could be. He was advised to review the ordinance.

**IN OLD BUSINESS:**

### **1. Keisler Road Sinkhole and Metro Public Works maintenance and repair of road**

Attorney Halpin reported that he is trying to contact the correct person at Louisville Metro regarding the repair. Mr. Halpin asked the name of the most recent engineer that we dealt with on the latest sinkhole and Mayor Magers provided that information. Once we get to the right person at Louisville Metro he will be able to report the status of the claim. Mayor Magers noted that we need to consider how much of the attorney time we want to invest in finding this out. Attorney Halpin said he is not spending a significant amount of time tracking down the correct person. He will report back after speaking to them and following the claims process.

### **2. Cul-de-sac Island Improvements**

Commissioner Berman reported we currently have three estimates for the landscaping in the cul-de-sacs. Matt Meiners let him know that his main focus is maintenance and lawn care and not landscaping. Commissioner Berman's recommendation is Brownsboro Lawn Care for the improvement work. Commissioner Berman made a motion to hire Adam Vokelsang from Brownsboro Lawn Care to go in and freshen up the cul-de-sacs. Commissioner Evers seconded the motion. Deputy Mayor Constable will handle the vote as Mayor Magers and Commissioner Tungate both recused themselves as they already do work with Mr. Vokelsang from Brownsboro Lawn Care. Three votes were in favor with two recusals. The motion passed.

### **3. Snow Removal**

Commissioner Berman said in the six years he has lived in Bancroft we have not had an issue with snow removal. Matt Meiners has done a good job and he is a little less expensive than the other options. Brownsboro Lawn Care does require a \$2500 nonrefundable retainer. Commissioner Berman made a motion to continue to use Matt Meiners for snow removal. Deputy Mayor Constable will handle the vote as Mayor Magers and Commissioner Tungate both recused themselves as they already do work with Mr. Vokelsang from Brownsboro Lawn Care. Commissioner Evers seconded. Three votes in favor with two recusals. The motion passed.

### **4. Proposal for Police Vacation Benefit**

Mayor Magers passed out his proposal for police department and made the motion as follows:

Vacation Proposal for Police Department

- **Annual days earned:**  
Effective January 1, 2017, on January 1<sup>st</sup> of each calendar year the police chief shall earn twelve (12) vacation days for service in the previous year.
- **Carry over:**  
A maximum of twelve (12) unused vacation days can be carried over in the next calendar year.
- **Maximum useable at any one time:**  
The police chief may take up to a maximum of ten (10) vacation days at any one time. An exception to this can be requested for illness or injury, with approval by the member of the City Commission with responsibility for the Police Department. If this exception



is approved by the commission member with responsibility for the Police Department, the City Commission shall be notified in writing at the next City Commission meeting with a full explanation for granting the exception.

Proposal submitted by Jeff Magers, Mayor

Commissioner Evers seconded the motion. The wording of the proposal was discussed as this would apply to a new employee. It was asked that we keep this on the agenda to further discuss the policy. The current wording states 12 vacation days are given on January 1 for the prior year. Mayor Magers feels that his wording was meant to be simple. Commissioner Tungate asked to amend the motion and moves to have it read "Effective January 1, 2017, on January 1<sup>st</sup> of each calendar year the police chief shall earn 1 vacation day per full month of service in the previous year." Commissioner Evers seconded the motion to amend. Berman, Evers and Tungate voted in favor of the motion to amend, Magers voted against, and Constable abstained. The motion to amend passed.

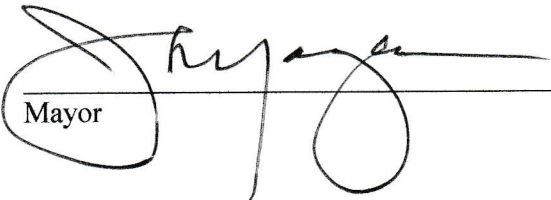
Commissioner Tungate raised another issue as to the carryover of vacations days combined with 12 vacation days would amount to the possibility of up to 24 days vacation. This would be 1/10th of the year and he does not think that is favorable to the city.

Commissioner Tungate made an additional motion to amend to change to "Carry Over; a maximum of eight (8) unused vacation days can be carried over into the next calendar year. Commissioner Evers seconded. Commissioners Evers, Tungate, Constable, Berman voted in favor and Mayor Magers opposed. The motion to amend passed.

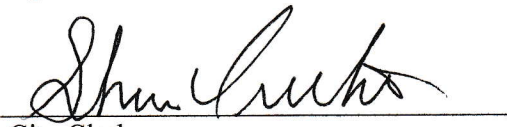
The original motion was read again with the changes made by the motions to amend. Commissioner Berman asked if another employee were to be hired they would not have any vacation time for a full year? Answer is yes as of right now. All were in favor of original motion as amended and it passed unanimously.

Mayor Magers asked clerk Tuthill to place on the agenda for next month's meeting to discuss a change in the ordinance on land usage.

Mayor Magers made a motion to adjourn the meeting and Commissioner Constable seconded. All were in favor. The meeting was adjourned at 10:01 pm.



Mayor



City Clerk