

## **MINUTES FROM APRIL 13, 2017 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, April 13, 2017 at Episcopal Church Home. Those present: Mayor Jeff Magers, Commissioner Matt Tungate, Commissioner Ed Evers, Commissioner Mike Borders, Treasurer Arnold Shaikun, Clerk Shannon Tuthill, Police Chief Anthony Yeager, Attorney Noel Halpin, Paul and Lani Bariteau, and residents Brian Keenan, Brian Clem, Casey Kelty, Ashley Liles, Teri and Greg Rosenbaum.

Mayor Magers addressed everyone in attendance and asked to change the order of meeting to accommodate residents who had come to address different issues.

### **Home improvement request by resident Casey Kelty**

Resident Casey Kelty brought plans for a new poured patio and fence. It was decided that it was in compliance with current ordinances. Mayor Magers made a motion to accept the fence plans as submitted. Commissioner Evers seconded. All in favor and the motion passed unanimously.

### **LEGAL ISSUES RESEARCH**

#### **Attorney to advise on possibility of selling City of Bancroft undeveloped property to an interested party.**

Attorney Halpin reported that there are no restrictions that would prevent the city from selling the property. No further research was done yet. We have the right to do it and the City of Louisville has legal guidelines for this process. It is similar to someone purchasing adjacent property in City of Louisville. Resident Brian Keenan stated he attended to learn where the property for proposed sell was located. Mr. Bariteau answered it was behind Glen Arbor in an undevelopable parcel of land. The commission asked the Bariteaus to give us until the new fiscal year to further discuss this because we have such a full agenda for the next few months.

Resident Ashley Liles arrived at the meeting after the discussion. Mrs. Liles lives at 7400 Glen Arbor the home that would be directly connected to the property for sale. She said that she and her husband may be interested in purchasing the property as well if the city decides to sell it. She at least wanted to make commission aware that they would have concerns with the Bariteaus purchasing because they have had issues with their chickens in the past and there has been gunfire. Mayor assured her that we are far off from making any type of decision on this.

#### **Possible restrictions to be placed on using City of Bancroft homes for short term rentals.**

Attorney Halpin researched the details of what Jefferson County requires. They have an enforcement policy but it is extremely difficult to regulate. City of Bancroft does not have independent zoning authority to tell residents what they can do with their homes within the requirements of Jefferson County. He recommends we use the current Bancroft ordinances to make sure if these homes are being used as short term rentals they comply with our ordinances and using our code enforcement agent for this.

Mayor recommended that if any commissioners have a strong feeling about this problem they should prepare a draft Ordinance and let Mayor Magers know and we will place on agenda.

### **City Of Louisville Lawsuit Against The City Of Bancroft, All Cities In Jefferson County, And The Jefferson County League Of Cities Relating To HB 246 (Waste Management).**

Mayor Mager explained that this lawsuit was brought about by Louisville Metro taking control of waste management for all 83 cities in Jefferson County. A Bill passed that allowed the cities to retain their own waste management, which company and how often. Louisville Metro Government filed an emergency injunction to stop the legislature.

On April 27 in Franklin District Court there is a hearing for this injunction. Jefferson County League of Cities hired an attorney and invited all cities to provide a joint defense and share one attorney.

Attorney Halpin recommended that we join the League of Cities and share the legal expense as it is more economical and efficient. Attorney added that if any city does not answer the complaint and provide a defense they are subject to a default judgment.

Jefferson County League of Cities is asking for an initial payment of \$1000 to \$2500 for attorney's fees from each city. They are hiring a constitutional expert attorney. Mayor Mager passed out a resolution "A Resolution Authorizing the Mayor to Defend Litigation".

Commissioner Borders made a motion to pay the initial \$1000 for attorney's fees to allow the Jefferson County League of Cities to hire an attorney to represent the City of Bancroft in the lawsuit. Commissioner Evers seconded the motion. All in favor the motion passed unanimously.

Commissioner Tungate raised an issue on the wording of the draft resolution. "The Mayor is authorized to take all steps necessary to defend the action." He feels there should be a monetary limit on this.

Commissioner Tungate made a motion to accept the draft resolution with his revision "Mayor is authorized to take all steps necessary to defend the action including expending up to \$5000 to defend the action as advised by the City Attorney. Commissioner Borders seconded. All in favor and the motion passed unanimously.

**Second Reading of Amendment to City of Bancroft Ordinances § 72.06 and §150.03 proposed new Ordinance relating to the prohibited parking of recreational vehicles and trailers on city streets.**

Mayor Mager passed out copies of the proposed Ordinances to residents present.

Proceed with the Second Reading of Amended Ordinance 72.06: An Ordinance amending the City of Bancroft, Code of Ordinances, § 72.06 Parking In Excess of Certain Number of Hours Prohibited; Towing Authorized.

Second Reading of amended Ordinance §150.03(E) Construction, Use and Maintenance of Property.

Commissioner Tungate made a motion to adopt the Ordinances as read. Commissioner Evers seconded, all in favor and motion passed unanimously.

**Appointment of Ethics Officer for 2017**

Mayor addressed everyone at meeting that we are in need of an Ethics Enforcement Officer. There are no requirements unless an ethics complaint is filed against a member of the city commission.

**Upgrading and Replacing Street Signs**

Commissioner Borders reported that we have enough money in the budget to replace the street signs this fiscal year. He added that we will budget next year for the entry signs. One option is to carry on the

same signage as Graymoor Devondale. The other option would be to differentiate ourselves from Graymoor. The first option is about \$14000 and the second about \$17000. One difference is a bigger base for each sign this would give us a different look from Graymoor Devondale.

Mayor Magers explained to everyone that we are required by federal government to replace our street signs and make them reflective. So this is something that we have to complete.

Commissioner Tungate made a suggestion that we use technology to ask for feedback from residents as to which sign they prefer. Give residents the opportunity to offer opinion.

Mayor asked the residents present which they preferred and all in agreement that they prefer option 2.

Commissioner Evers made a motion to proceed with option 2 without the decorative base added. Commissioner Borders seconded.

Commissioner Tungate said he would not vote in favor as he feels we are missing an opportunity to reach out to our residents for their opinion. Mayor said we could take one month to put on our Facebook page and possibly put in newsletter to go to Facebook to view it.

Commissioner Evers moved to table the motion to next month's meeting. Commissioner Tungate seconded. Three in favor and the motion passed.

#### **Cost of Establishing a physical address for the City of Bancroft (a mailbox for city mail)**

Mayor addressed the need for establishing a physical address for the City. If we rent a box from the UPS Store it would provide a physical address. There are certain businesses that require a physical address and will not accept a P.O. Box. The Holiday Manor UPS Store charges \$35 a month, \$10 set up, pay 12 months in advance and get three months free. The Springhurst UPS Store is \$22 a month with same requirements.

Mayor Magers made a motion that we establish a post office box at Springhurst UPS Store.

Commissioner Tungate reported that actually the Holiday Manor Store is a less expensive option as the mileage to send someone to Springhurst would greatly exceed the cost of the Holiday Manor store which is closer to the city. Commissioner Borders moved to amend motion to the Holiday Manor UPS Store. Commissioner Evers seconded. All in favor and the motion passed unanimously.

#### **NEW BUDGET FOR 2017/2018**

Commissioner Evers reported that right now we are budgeting approximately \$48,000 more than last year. Maintenance asking for \$56000, communication \$1500, finance \$74,000. Create a new line item to budget for legal expenses for litigation. We have to keep a reserve.

Mayor Magers raised a motion that given several years ago it was noted that Bancroft police chief's pay was below local standards for police pay in small cities in Jefferson County, the motion is made to raise the hourly pay by \$1.50, thus raising the hourly rate from \$20.50 to \$22.00 per hour. This motion is consistent with the recent Bancroft City Commission's yearly commitment to incrementally raise the police chief's pay to eventually be consistent with the local standard of \$25.00 per hour for police officers in small cities in Jefferson County. Commissioner Borders seconded. All were in favor and the motion passed unanimously.

Commissioner Borders will focus on better care of landscaping on Bancroft Lane and will be spending the remaining \$1,000 already in the budget for flowers in the newly redone cul de sacs.

## **REVIEW MEETING MINUTES:**

Mayor Magers proceeded to review the March 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 received a check for unclaimed property in the amount of \$427.30 and placed it our account for insurance tax proceeds. This is a follow-up to the notice we received from Kentucky State Treasurer regarding unclaimed property. Nothing further to report.

### **Mayor's Report**

Mayor Magers said he had received a complaint regarding the condition of the trees on Bancroft Lane. The complainant said the trees were in "poor shape and could fall". Commissioner Borders contacted an arborist to inspect the trees and the arobriest's assessemtn indicated there was no imminent issue.

Nothing further to report that it is not in new or old business.

### **City Maintenance**

Commissioner Borders reported that he will focus on better care of landscaping on Bancroft Lane and will be spending the remaining \$1,000 already in the budget for flowers in the newly redone cul de sacs.

### **Communication and Public Outreach**

Commissioner Tungate had nothing new to report.

### **Public Services**

Commissioner Rittenhouse was not present and has not received any bids for trash removal.

### **Police Department**

Mayor Magers reported that we have received the new handheld radio for the police vehicle.

Chief Yeager gave the following report. There were 140 patrols of the city. There were 140 Radar/Traffic zones set up for high Police visibility. There were 32 visits to resident's homes for our "House Watch" program. There were 10 Traffic stops. There was 1 Solicitor stopped from "Greenhill Landscape". There were 8 warnings issued. There were 2 state citations issued. I backed up the Northfield Police Department on a Robbery at the Kroger Parking lot. I searched the area looking for the suspect who had fled on foot. I investigated and took pictures of possible rotted trees on Bancroft lane. I checked an older white male sleeping in a car at 1245 pm on Maria at Hayward.

There were no questions or comments.

### **Finance and Administration**

Commissioner Evers made suggestion that if possible we include next month's Newsletter be included in the mailing of the ordinances to be sent.

Mayor Magers took a moment to introduce the entire commission to all of the guests present.

Commissioner Tungate made a motion to adjourn the meeting and Mayor Magers seconded. The meeting was adjourned at 9:16 pm.

/s/ Jeff Magers  
Mayor

/s/ Shannon Tuthill  
City Clerk