

## **MINUTES FROM APRIL 9, 2020 BANCROFT SPECIAL MEETING**

The regular scheduled meeting for the City of Bancroft, KY was called to order by Mayor Jeff Magers at 7:07 P.M. on Thursday, April 9, 2020 by Zoom videoconferencing Louisville, Kentucky. Those present: Mayor Jeff Magers, Commissioner Ed Evers, Commissioner Jaimie Schapker, Commissioner Mike Borders, Commissioner Paul Chumbley, Clerk Shannon Tuthill, Police Chief Anthony Yeager, attorney Richard Schiller, City Engineer Chuck Woods. Residents Matt Tungate, Pat and Donna Curran, Don Hess and Kaitlyn Voet were present.

Mayor Jeffery Magers has determined that the Bancroft City Commission must continue to provide critical public services to sustain and protect life and life-sustaining businesses during the present public health crisis caused by the COVID-19 virus. Teleconferencing has recently been permitted by the Kentucky Attorney General without the identification of a primary physical location so long as the public is permitted to see and hear all participating members. The mechanism by which teleconference is being conducted is Zoom.

Mayor Magers explained, although originally called as a special meeting because the interpretation of the Attorney General's Opinion on relaxing videoconferencing rules of city meetings, subsequently, a law was passed by the Kentucky Legislature and signed by governor that provided that cities can have general meetings and not just special meetings held by videoconference during a state of emergency without meeting in a single location for the public to attend. Therefore, this is actually the regular scheduled city commission meeting.

### **REVIEW MEETING MINUTES:**

Mayor Magers proceeded to review the March meeting minutes. Commissioner Evers made a motion to approve the minutes. Commissioner Schapker seconded. All in favor and the minutes were approved.

With no physical meeting taking place, the Kentucky League of Cities advised that the Mayor can just sign final page of minutes, scan and send to clerk to sign, file and forward to Commissioner Schapker.

### **Clerk**

Clerk Tuthill reported that the quarterly payroll taxes and reports have been submitted. Census report for the city has also been completed and submitted.

I reported last month that the storage facility has raised our rent to \$68.00 per month effective March 20. A check was issued on March 12 for a full year in the amount of \$812.00. On March 21 they sent a notice thanking me for the \$61.00 payment and then on April 3 sent email thanking me for \$812.00. I have contacted them and apparently, they automatically drafted from our bank account the \$61.00 payment prior to receiving \$812.00. Nothing has been refunded yet. Waiting to hear back from them. Still keeping up with request for tax information from various title companies. We received payment for the last unpaid tax bill with all late fees paid.

I received supplement pages from American Legal for our Ordinance Books and hand-delivered a set of supplement pages to each commissioner and treasurer.

With regard to the mailing of the newly passed city ordinance. This ordinance mailing took some additional time to prepare. I received the notices for the special meeting and the public meeting that needed to be included with the ordinance mailing on Friday April 3. I took the mailing packet to the UPS Store for copying that afternoon. This was completed by Saturday. On Sunday evening and most of the day on Monday, I stuffed the envelopes. By 4:00 Monday afternoon I stopped where I was with the envelope stuffing and took the envelopes that I had prepared so far with me to the St. Matthews post

office. I purchased stamps for the mailing and then sat in my car and stamped the envelopes that were ready. I then dropped all of them in the mailbox in the parking lot. I continued to prepare the remaining envelopes Monday evening and on Tuesday morning I took the remaining envelopes and placed them in the inside drop box at the Lyndon Post Office. My hope was that by taking them inside they would be processed right away so that all residents would hopefully receive the packet prior to the Thursday, April 9 special meeting. On the morning of April 9, Chief Yeager picked up our mail from the UPS Store and 21 of the envelopes that I had stamped were in the box without being postmarked and with a note on one of them that there was insufficient postage as it was over ¼ inch thick. I took a ruler and the envelope does not in any way seem too thick to me. I returned to the Lyndon post office today, the postal worker measured the envelope and said that they were not too thick (which was noted on the returned envelope) but that they were a little over the 1-ounce weight limit. I told him that out of 200 envelopes so far only 21 were returned. He said I needed an additional .15 cent stamp. I purchased 21 stamps and placed on the envelopes and re-mailed.

Also, per Mayor Magers request I have created a spreadsheet for permit requests and have attached a draft for review.

Everything else running smoothly. Nothing else to report.

Mayor Magers said that since many of the notices of the public hearing scheduled for April 15 were returned by the U.S. Post Office for lack of sufficient postage, we have to cancel that special meeting. Attorney Schiller said this was defective notice which requires the public hearing to be rescheduled. Mayor will prepare a second letter for the rescheduled date. Attorney Schiller said why take a chance if it is insufficient notice.

### **Mayor's Report**

Mayor Magers gave the following report: Since the last meeting I participated in several videoconference events with the Kentucky League of Cities, the Governor's office and Louisville Metro Mayor Greg Fischer regarding the COVID-19 emergency.

Complied with the Louisville Metro Department of Public Health Public Health Order requiring all public safety employees be screened for body temperature prior to beginning the shift. The screener must take his/her own temperature prior to taking the temperature of the public safety employee. Using a Braun forehead scanning thermometer, I have been checking Chief Yeager's temperature prior to his shift.

Received the Kentucky Attorney General's Opinion regarding the invoking of the emergency clause of the Open Meeting Law, thus allowing videoconferencing of governmental meetings without the requirement that members of the public must be able to go to one location to view the video images of the members of the organization holding the meeting. This city commission meeting was then organized using Zoom videoconferencing. Also, a Municipal Road Aid Fund Public Hearing was organized for April 15<sup>th</sup> at 7 PM. This meeting is required before spending road aid funds for repaving the roads this summer. Notices for both the city commission meeting and the public hearing were sent by email and U.S. Mail.

Received information about a business named Steel City Pops (popsicles) was planning to set up business in a residence's yard from 5:30-8:00 PM on Monday, April 6<sup>th</sup>. I contacted the homeowner who organized this. This was not organized as a private party where the homeowner paid all the costs, instead, the business would be directly selling to people walking or driving by the location which is at the corner of the busiest intersection in the city. The homeowner and the business were notified on Saturday April 4<sup>th</sup> that Steel City Pops would have to apply for a Bancroft business permit in accordance with City of

Bancroft ordinance Section 110. The permit application must be submitted 30 days in advance. The resident and the business owner were told that having this type of public event in that location, enticing children to participate, would be ill-advised due to the COVID-19 pandemic. The event was cancelled at that location and later set up in the parking lot of Kammerer Middle School, which is outside the Bancroft city limits.

### **City Maintenance**

Commissioner Borders reported that he approved tree pruning on Bancroft Lane. Called LG&E to tell them the pruning I agreed to wasn't to turn the tree into a telephone pole. I asked that it now be completely removed. The tree was displaying a rotten base and was needing to be removed in the next few years.

Contacted arborist to get an idea on what to plant in place of the tree that needs to be removed.

Approved tree pruning on Bancroft Lane and not what we expected. Contacted LG&E to remove the tree. Sent attorney information on fence repair that came from a homeowner.

### **Communication and Public Outreach**

Commissioner Schapker reported the April 2020 Newsletter metrics. Opens: 54.3% (102), Clicks 11.2% (21), 13 clicks for agenda, 13 clicks for meeting minutes

Community Outreach - Quarantine relief: I ordered a helium tank and Easter balloons to tie around city posts and signs Saturday night. I will also be making "bunny prints" in various spots around the neighborhood – made out of flour so they wash away. Total cost: Balloons: \$6.99. Helium Tank: \$49.81. Total: \$56.80

Other ideas for community outreach: Purchase economy-sized chalk and bag them up in twos or threes for kids in the neighborhood. Estimated cost: \$60 for 504 sticks Purchase inexpensive lawn ornaments and place them in various yards for people to "hunt." Ideas: 24 hearts \$59.95, 14 pink twirling flamingos \$39.99, 40 Blank white signs \$52.50 to hand out to kids to decorate and put in their yards, Create a scavenger hunt (find the Bancroft sign, find the crocodile, etc.) and provide a small "prize" for those who complete the scavenger hunt. Approx. cost for supplies and prizes: \$75

Yard Sale: I have reached out to Graymoor-Devondale to see if they have started discussing their yard sale. Right now, I would lean towards either canceling or postponing. We obviously have time to decide, but I want to take into consideration what they might do.

Email and Website update: We need to give Trevor two weeks to move over all emails. All he will need is the emails and passwords. He can add as many emails as we would like. Each email costs \$6/mo. He has yet to add the building form to the website. He intended to do this right before the outbreak, so I am working with him on maintenance needs.

Budget for email: \$750 setup fee, \$66/month for 11 email addresses, \$120 Google suites administrative fee, billed monthly, Total: \$936.

### **Public Services**

Commissioner Chumbley reported no complaints from residents about waste collection service. I've received no complaints or communication from Rumpke about issues with residents. Weekly yard waste collection began this past Monday, April 6 and will continue through December.

**Cable/communication Ordinance** At this point, I believe there are too many unknowns regarding this ordinance to recommend its passage. Based on my conversation with Linda Ain in March, I got the sense that the Jefferson County League of Cities Cable Commission (JCLCCC) hoped cities would pass the ordinance, but there was no identifiable reason to pass the ordinance within a certain timeframe; in fact, Linda acknowledged that several cities were postponing this topic, among others, due to the pandemic. I came across this information on the JCLCCC website concerning the effect of the expired franchise agreement (<https://www.jclccc.com/testimonials>): As communicated previously, Ms. Ain advises that although the JCLCCC member franchises are expired, Spectrum/Charter remains bound by its franchise obligations under these franchises. Thus, even though Spectrum/Charter's franchises with the JCLCCC members are expired, Spectrum/Charter is required to abide by the terms of its expired agreement (including the payment of franchise fees). If you have any specific questions, please contact the JCLCCC. So, as I read it, although our franchise agreement is expired, there appears to be no financial impact to Bancroft in the short term. The same page also contains the following information: It is extremely important for a city to determine whether it is in its economic interest to remain in the state's excise tax distribution scheme or to begin collecting franchise fees. If a city chooses to opt out of the state's telecommunications tax distribution program, the Department of Revenue has taken the position that it may not re-enter the program. If your city has historically had a 3% franchise fee, raising your city's franchise fee to 5% will have no economic effect on your citizens, but could substantially increase your city's revenues. Given the fiscal considerations at play, I think, at a minimum, an opinion from Ed and/or Arnold about the financial implications for the City would be well-advised before moving forward. I will invite Linda Ain to attend our May meeting to answer outstanding questions and to provide revenue projections for Bancroft before that time.

### **Police Department**

Chief Yeager submitted the following report. There were 158 patrols of the city. There were 155 Radar/Traffic zones set up for high Police visibility. There were 36 visits to resident's homes for our "House Watch" program. There were 6 traffic stops. There was one Solicitor stopped, KY Farm Bureau. There were 5 warnings issued for: Disregarding Stop Sign—3, Speeding—1, No turn signal—1. There was one state citation issued for: Disregarding Stop Sign. I backed up the Graymoor-Devondale Police Department 6 times. I helped look for a resident lost dog. I had the oil changed and 2 new tires on the police car. I had my temperature taken every morning as required by the state of emergency.

### **Finance and Administration**

Commissioner Evers reported that he has been collecting everyone's budget projections for the year. He is still waiting on two more. Would like an estimate of when you think you will spend it.

Some budget items are over, but others are way under. Legal expense has gone up by over 100%, gas for police vehicle way under.

Governor Breshear on March 25 enacted statutory deadlines for any public agencies. We will be delayed on receiving our property tax basis till possibly November. Which means the budget for the year may be delayed. We could initially rely on a continuation budget if this happens, and then pass a new budget later.

Last month Commissioner Evers sent a letter to many residents on his office stationery. He sent a business card magnet and said to call him with questions about city. He felt that this may have mixed his personal business with commission business. He admitted that it was a mistake that he will not make again.

## **OLD BUSINESS**

### **1. Discussion of Road Repaving Plan and Announcement of Road Aid Fund Public Hearing**

City Engineer Chuck Wood reported Hall Paving was going to send a proposal for the repaving project. Louisville Paving will submit a proposal for the project. We should have the two proposals available for review in the next few days. Hall Paving has the Louisville Metro contract and Louisville Paving has the state contract. We can select the company with the Louisville Metro contract or state contract without having to rebid the project.

We will have to schedule the public hearing for the next week. Agreed that we will have the public hearing April 22 at 7:00 p.m [later rescheduled to April 29<sup>th</sup>]. Attorney reminded that Zoom has a recording capability and we can and should record the public hearing.

### **2. Preliminary discussion of 2020-2021 Budget**

Commissioner Evers has budget information from Administration, Police, and Public Services, but he is waiting on budget information from Communications and Maintenance. He would like to continue moving forward on preparing the 2020-2021 budget and tax ordinances as if it were ready in June to pass both ordinances. Commissioner Borders checked with an arborist about any diseased trees that may need to be removed on Bancroft Lane. Also, he is working on the lighting project with LG&E, but he is still waiting for a cost estimate.

Commissioner Chumbley asked a question about the Rumpke contract running from February 20-February 22. He asked Attorney Schiller if we could extend the contract to conform to fiscal year dates, without rebidding the contract. Attorney Schiller advised we can just extend contract if Rumpke were agreeable.

## **NEW BUSINESS**

### **1. Kaitlyn and Eric Voet Building Permit Application for Fence at 7406 Glen Arbor**

Kaitlyn Voet present would like to fence backyard with a 4-foot-high fence around perimeter. Kentuckiana Fence to do the work. Mayor Magers confirmed that the fence does not extend any further than five feet from rear of house. Commissioner Evers made a motion to approve the fence construction, Commissioner Borders seconded. No discussion. All in favor and the motion passed unanimously. Permit is approved.

### **2. Matt and Lauren Tungate Building Permit Application for Fence at 7415 Greenlawn Road**

Resident Matt Tungate present to request permit to build a fence. Mayor Magers confirmed it goes any further than five feet from the rear of house. No questions. Mayor Magers made a motion to approve the fence construction, Commissioner Chumbley seconded. All in favor and the motion passed unanimously. Permit approved.

### **3. Discussion of the State and Louisville Metro State of Emergency Declarations in Relationship to Bancroft**

We have all seen the orders on television with the different restrictions. With regard to Bancroft we should do our best to social distance when out in the city walking and biking. A graphic used by Governor Breshear in his daily COVID-19 briefings was given by Mayor Magers to Commissioner

Schapker to post on website and Facebook as a reminder of COVID-19 safety measures, including social distancing.

Attorney Schiller said since no retail businesses are physically located in Bancroft there is no legal reason to declare city state of emergency.

Mayor Magers added that the Kentucky League of Cities suggested all cities do an emergency declaration and they sent a model that he sent to everyone to review. The consensus of the city commission is that it is not necessary to do this at this time.

**5. Second reading of Ordinance No. 2, 2020, An Ordinance Repealing and Replacing Ordinance 111 relating to Cable Television Services**

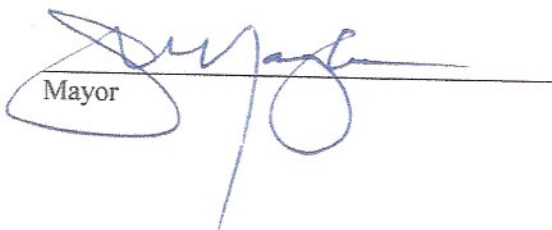
Commissioner Chumbley moved to table this ordinance indefinitely. Commissioner Borders seconded.

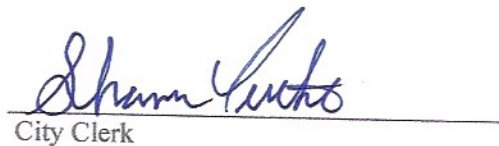
Discussion. Commissioner Chumbley explained that this was brought up by the Jefferson County League of Cities Cable Commission.(JCLCC). He spoke to Linda Amin from the Cable Commission.

Commissioner Chumbley said the JCLCCC had developed the proposed cable franchise ordinance for member cities for the purpose of allowing negotiations with communications companies for fiber optic internet and cable services. This was something JCLCC was trying to have cities adopt, but it is not a requirement. There is no pressing need to act on this at this time. There is no harm that he can tell to the city to just wait on this with regard to Spectrum Cable Services. He said many cities are putting this on hold due to the pandemic.

After discussion, all in favor and the motion passed unanimously.

Commissioner Evers made a motion to adjourn the meeting and Commissioner Borders seconded. All in favor and the meeting was adjourned at 8:28 pm.

  
Mayor

  
City Clerk