

**CITY OF WATTERSON PARK
LEGISLATIVE MEETING**

via Zoom Video Conferencing

August 10, 2020

The meeting was called to order at 7:00 p.m.

Address from Mayor — Regarding our meeting: *“The notification process is the same as for a special meeting. Watterson Park is conforming with the new law and the meeting will be a regular meeting. The process is transparent; the public can see and hear; and any votes will be taken by roll call. We are no longer asking you to mute yourself, but please be mindful of background noise. All Zoom meetings are being recorded and will be kept on permanent file. If you have any technical difficulties, please send a text to my phone 502.458.7613 and I will let Aggie know. Please do not call. I hope everyone is healthy and continues to practice social distancing.”*

Roll Call — Roll was called by the Clerk. Present via Zoom video conferencing were Mayor Linda Chesser; Councilmembers Helen Arnold, Brett Ashley, Gina Garrett, Phil Johnson, Marlene Welsh, and Tiffany Woodson; Treasurer Jerry Wild; Clerk Aggie Keefe; and Attorney John Treitz.

Pledge of Allegiance — The Clerk displayed the American flag on screen, and all present recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Welsh made a motion to approve the minutes of the July 13, 2020, legislative meeting as received; seconded by Ms. Garrett. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Helen Arnold, Brett Ashley, Gina Garrett, Phil Johnson, Marlene Welsh, and Tiffany Woodson. There were no nays or abstentions. Motion carried with a vote of 6-0.

APPROVAL OF TREASURER’S REPORT

Mr. Wild reported receipts for the month of July 2020 in the amount of \$62,053.72, expenditures in the amount of \$38,040.23, and a surplus of \$24,013.49. Mrs. Arnold made a motion to approve the report as submitted; seconded by Mrs. Welsh. Ms. Woodson asked if we will continue paying room rental to the Farm Bureau when we’re not using the room. Mayor Chesser clarified that since we have a contract with the Farm Bureau, we are required to continue paying. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Helen Arnold, Brett Ashley, Gina Garrett, Phil Johnson, Marlene Welsh, and Tiffany Woodson. There were no nays or abstentions. Motion carried with a vote of 6-0.

OLD BUSINESS

Stober Road Flooding — Attorney Treitz said that he and Mayor Chesser participated in a conference call on July 31 with Derek Sublette of Norfolk Southern Railroad and Joe Exley with MSD. Mr. Exley said MSD will begin cleaning out the ditch and will submit the request to the railroad. Mr. Sublette will facilitate the approval of the permit that MSD needs in order to go on the railroad’s property. MSD will clean out the ditch and then monitor the situation to see what type of impact it has on the flooding issue. They are going to also do an analysis of the elevations and the drainage and amount of inflow from extraneous points coming into the ditch and make sure the outflow in the conduit under the Stober Road is adequate to handle the flow. MSD was very interested in assisting and moving forward. MSD will look at the basin behind the post office to make sure it can be completely cleared and then determine if the basin needs to be modified or if additional basins need to be added. Mrs. Arnold mentioned that this basin is full of vegetation. Mayor Chesser reported that the property owner is supposed to maintain the basin, but it does not appear to be happening in this case. MSD could possibly take it over and utilize it better than is currently being done. Mr. Johnson said that MSD did clean it out a couple of years ago but the vegetation has since grown back. Ms. Garrett asked if the businesses are happy with this plan. Mayor Chesser said the affected businesses are pleased with this news. Precision Collision had significant damage as a result of the flooding. They have another facility on Shelbyville Road and use the Watterson Park location for overflow. YUM! has a long-term lease, but they cannot continue to incur damages from flooding.

Off-Duty Patrol Monthly Shift Postings/Activities Report — Mayor Chesser reported that she emailed the most recent Monthly Shift Postings and the July Activities Reports to all Council members except for Ms. Garrett, to whom she mailed a hard copy. Ms. Woodson said she doesn't like using the term "House Watch" on the reports, as she feels it indicates that we're intruding. Mayor Chesser clarified that there are some residents who actually request a "House Watch" for various reasons. Ms. Woodson also questioned the high amount of house watches on the reports, as there have been 196 year-to-date. She feels like it is invading personal space. Mayor Chesser will mention this concern to John Aubrey and report back to Ms. Woodson.

2020 Census — Mayor Chesser reported that the national self-response rate is 63.2%; Kentucky's self-response rate is 66%; Louisville's self-response rate is 60.2%; Watterson Park's self-response rate is currently 58%; five Kentucky cities are ranked in the top ten nationally. Door-to-door canvassing is scheduled to start this week. The census deadline was originally extended from July 31 to October 31 because of the current health pandemic.

Newburg Road Sidewalk — Mayor Chesser reported that Steve Kurowsky, Louisville Metro Government Transportation Division, contacted her regarding the Newburg Road sidewalk project. He was happy to inform us that this project was awarded federal funding through KIPDA. However, that funding will not be available until fiscal year 2022. They hope to begin the final design phase next summer. With the acceptance already in place, Mayor Chesser hopes we can begin the MOA (memorandum of agreement) process with KYTC District 5 a little sooner than later. This process alone usually takes three to four months. The Louisville Water Company has already indicated that the final plans for their water line relocation are complete and are ready to bid out for construction. Mr. Kurowsky told the Water Company that the design could begin next August.

CARES Act — Attorney Treitz reported that he has read all of the guidelines and technical information on the CARES Act. He said it is difficult to appreciate that the Federal government is going to reimburse us for police protection that has some question about whether it is related to COVID-19. He spoke about that concern with Morgan Patterson, legal counsel for KLC. One of the provisions of the guidelines states that the government has made a presumption that all safety-related employees are covered by the CARES Act reimbursement. The Kentucky Department of Local Government has determined that they will process all applications for any reimbursement for police protection from March through December 31. Throughout the entire set of guidelines, there is a caveat that the work has to be substantially dedicated to mitigating and resolving COVID problems as opposed to ordinary operations. He feels that we need to look at this really carefully, as it would be false to state that if it wasn't for COVID, we wouldn't have the police protection. As we know, it is part of our budget and is an ongoing consideration. Another concern is related to the fact that the guidelines talk about public safety employees. None of the police officers who work in our City are our employees, as we have a contract with an outside company. When Mr. Treitz talked with Ms. Patterson, she said that she thinks we can take the position that the police officers are performing a service that would be performed by a public safety employee, so even though they are not technically employees, they are performing the duties of an employee. We don't have to make the application until the end of the year, so we have some time to wait for additional feedback. Mr. Treitz will keep everyone posted and will continue to read guidelines, as they are constantly being revised. Ms. Garrett asked Mr. Treitz for an example other than police protection that would be reimbursable under the CARES Act. Mr. Treitz said that money spent doing Zoom meetings and the research he has done can be attributed to the COVID situation. Also, PPE that we've purchased to use when we begin in-person meetings would be reimbursable. We can also make loans to businesses. We have a total of \$70,000 allocated to us, for which we possibly have reimbursable expenses in the amount of \$50,000, leaving a balance of \$20,000. If we don't use it, we don't get it. Ms. Garrett asked if we can use the extra funds to help a business in need. After additional discussion, all agreed that it would be difficult and costly to set it up, especially for such a small amount of money. We would have to hire someone to manage it, which would in itself probably use up any available funds. Ms. Garrett suggested that when Mayor Chesser is talking with mayors from other cities she ask them what their thinking is on this.

NEW BUSINESS

Tax Ordinances — Attorney Treitz prefaced the reading of these ordinances by saying that rather than have two meetings in September, we'll have our first reading tonight. We can't go forward until the tax rolls have been certified by the state, then distributed to us. We frequently don't get that information until sometime in September, which in the past has meant that we would have to hold a special meeting to give second reading to the ordinances in order to give the residents and businesses ample time to pay the taxes. Real property taxes are due by November 1. He, Mr. Wild and Mayor Chesser confirmed that there wasn't a lot of change in the tax base in Watterson Park in the last year, so it's highly likely that revenue from real estate taxes won't be much different than the year before. As a consequence, it would be appropriate for the Council to give first reading to the tax ordinances using the same rates as levied last year, giving us time to get all of the information from the PVA, look at the numbers, do the calculations, and then be ready at the next meeting to discuss whether or not there should be a rate change. Mr. Wild confirmed that we brought in \$229,000 in real estate taxes last fiscal year.

An ordinance on real property ad valorem taxation was introduced by Helen Arnold and given a first reading by summary title and, at the direction of counsel, the salient portions of the ordinance as a summary thereof, levying a tax of 7.1¢ per \$100 of assessed valuation; seconded by Mrs. Welsh.

Ms. Woodson suggested that with COVID and job losses, we cut the tax and then bring the rate back up once the pandemic is over. Attorney Treitz reminded Council that once you reduce taxes, you can't increase them more than 4% without subjecting it to a recall motion by taxpayers. Mayor Chesser said that we have never increased our tax rate and that our rate is so low, it wouldn't really benefit people to reduce it any further. Ms. Garrett asked what capital expenditures we are expecting within the next year. Mayor Chesser said that the roads will be the main project, and eventually the Newburg Road sidewalk project. Personally, she doesn't feel comfortable lowering taxes just to turn around and raise them. We have done very well in lowering our taxes over the years. Mr. Treitz said that the people who would benefit most from a tax decrease would be the businesses.

Ms. Garrett asked how much we could lower the rate before we face the 4% restriction. Mr. Wild suggested that we look at the numbers we get from the state and determine how much we can lower it to obtain the best results and to not be subject to recall motion. Ms. Woodson said that maybe we can give taxpayers a couple of years to regroup before considering raising the taxes back up. Ms. Garrett asked if we can get real numbers about how much of a loss we would incur if we lower the taxes to 6.9¢. Mr. Treitz said we can get those numbers. He reminded Council that we have been able to keep our taxes low primarily because of the large amount of money we've received from the insurance tax. And if we reduce the insurance tax, Metro Louisville would pick up the balance of that tax, so there wouldn't be any savings to our residents. Mr. Wild said the insurance premium tax has been steadily going down. Mayor Chesser said that another factor to consider is if there are residents or businesses who can't pay their tax bills this year, our revenues will go down as a result.

Mr. Wild asked if the 4% restriction applies to tangible personal property and motor vehicle/watercraft taxes. Attorney Treitz said there is no restriction on them. Ms. Woodson suggested that we could eliminate those taxes entirely and possibly apply that tax revenue loss to the CARES Act. Mr. Treitz clarified that we can't reduce those taxes and then use the CARES Act to replace revenue that we would have otherwise received. Mr. Treitz said that we'll have our numbers before the next meeting, and if they come in early enough, he will send them to Council with the calculations to see what the numbers are. We can make any adjustments next month at the second reading.

Attorney Treitz clarified for Ms. Keefe that we do not need to vote after the second on the tax ordinances.

An ordinance on tangible personal property ad valorem taxation was introduced by Helen Arnold and given a first reading by reading the summary title and, at the direction of counsel, the salient portions of the ordinance as a summary thereof, levying a tax of 6.5¢ per \$100 of assessed valuation; seconded by Mrs. Welsh. Mr. Wild reported that last year we brought in \$65,000 from this tax.

An ordinance on motor vehicles and watercraft ad valorem taxation was introduced by Helen Arnold and given a first reading by reading the summary title and, at the direction of counsel, the salient portions of the ordinance as a summary thereof, levying a tax of 7.5¢ per \$100 of assessed valuation; seconded by Mrs. Welsh. Mr. Wild reported that last year we brought in \$23,000 from this tax.

LMPD 6th Division Citizens Advisory Board Meeting — Mayor Chesser reported that due to COVID-19, there will not be an Advisory Board meeting in August. Lieutenant Corey Robinson was promoted to Major of the Sixth Division effective July 22. Major Robinson would like to attend one of our meetings when the COVID order is relaxed.

OLD BUSINESS

Road Resurfacing — Mr. Johnson has assumed the lead on this project. He reported that he and Mayor Chesser met with Brandon Jones of BTM on July 29. They went over the paving projects for Stober Road, Hodel Road, and Colonel Sanders Lane. Mr. Jones hasn't gotten back with Mr. Johnson regarding the status of the bids. As soon as bids are received, they will be brought before the Council for approval. We will need to address the issue of the guardrail extension at that time. There won't be any extra cost on curbing, as the proposed curbing has been taken out of the specs. Mr. Jones thinks this project can be completed this year.

NEW BUSINESS

Pegasus Open House — Mrs. Welsh reported that she and Mayor Chesser attended this open house on July 17. The company recently re-branded its three business units, which included R & R Limousine on Kiln Court, under the Pegasus umbrella. The owners, Eddie and Carey Fieldhouse, purchased the property at 4711 Poplar Level Road and built a new facility. Pegasus offers chauffeured services, customized tours, and event transportation.

Advanced Sports Training, 1200 Hodel Road — Mayor Chesser reported that she attended a preliminary development plan meeting held on July 28 at the Advanced Sports Training facility located at 1200 Hodel Road. The facility is for baseball and softball training. Marv Blomquist, the engineer for the project, explained that the Land Development Code requires a Conditional Use Permit for athletic facilities. The proposal is for an indoor athletic training facility, which includes renovation of the existing warehouse building and parking areas. Norman Hall with Precision Collision and Mayor Chesser were the only outside attendees.

ADJOURNMENT

Mrs. Welsh made a motion to adjourn; seconded by Mrs. Arnold. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Helen Arnold, Brett Ashley, Gina Garrett, Phil Johnson, Marlene Welsh, and Tiffany Woodson. There were no nays or abstentions. Motion carried by a vote of 6-0 and meeting adjourned at 8:16 p.m.

All those persons noted as being present at the beginning of this meeting, unless otherwise indicated, remained throughout.

Approved at the meeting of the City Council held on _____.

Linda Chesser, Mayor

Aggie Keefe, Clerk

Minutes taken and transcribed by Aggie Keefe.