

CITY OF WATTERSON PARK

LEGISLATIVE MEETING

Zoom Online Meeting
Facilitated by Clerk Aggie Keefe

September 13, 2021

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

Roll Call — Roll was called by the Clerk. Present were Councilmembers Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh; and Clerk Aggie Keefe. Absent were Mayor Linda Chesser and Treasurer Jerry Wild. Also present were Attorneys John Treitz and Duncan Crosby.

Appointment of Chairman of the Council — Since Mayor Chesser was not in attendance, Mr. Fortwengler made a motion to appoint Marlene Welsh as Temporary Chairman of the Council for tonight's meeting; seconded by Mr. Bourke. There were no other nominations. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

Address from the Chairman of the Council — 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 Aggie."

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

OLD BUSINESS

American Rescue Plan Act (ARPA) — Mrs. Welsh recognized Jenna Graham, the Economic Resiliency Planner with Kentuckiana Regional Planning and Development Agency (KIPDA), who was present to report on the ARPA administration services being offered by KIPDA. Mr. Crosby, who has been corresponding with Ms. Graham on behalf of Watterson Park, welcomed Ms. Graham to the meeting. Ms. Graham talked about the administrative assistance KIPDA is offering, for which they charge a 1% fee. KIPDA will work together with us to submit all reports, handle contracts, approve payments, furnish document retention, and provide ongoing advice and consultation, among other services, on any project to insure it meets ARPA requirements. In response to Mr. Crosby's concern about the stated 30-day termination clause, Ms. Graham said this could be negotiated. Mr. Treitz noted that KIPDA is asking for us to approve a contract before October 1. He asked Ms. Graham if waiting until our October 11 meeting would give KIPDA sufficient time to submit any necessary reports that are due by October 31. Ms. Graham didn't anticipate this being a problem and said she will consult with her supervisor. Mr. Johnson mentioned that we are scheduled to vote on the Stober Road flooding proposal from BTM and that we had previously discussed paying for it with the ARPA funds. Mr. Crosby will be attending a webinar this coming Wednesday that should provide clarification. Mr. Treitz suggested that we put off making a decision regarding Stober Road until after that webinar. Ms. Garrett asked Ms. Graham if there is an entity that gives the stamp of approval that a particular expenditure is covered under the grant. Ms. Graham said that with ARPA, there isn't an agency that will give us a definitive answer prior to an expenditure. However, we can get some professional opinions. Mr. Crosby said this is a good reason to slow-roll spending the money and let others be the vanguard of finding out what turns out to be impermissible. He agrees with Mr. Treitz that we should table moving forward with BTM for tonight. Ms. Graham said ARPA money can be placed in an interest-bearing account, which has less strings attached to it, until we're ready to use it. Ms. Graham left the meeting at 7:18 p.m.

Mrs. Welsh reported that we've had a request for ARPA funds from the Buechel Fire District and KY Health Care Facilities. Mr. Crosby noted that a response has been sent to both of those entities requesting more information related to these requests. Mr. Crosby reminded everyone that the ARPA funds must be committed by the end of 2024 and spent by the end of 2026.

APPROVAL OF MINUTES

Mr. Johnson made a motion to approve the minutes of the August 9 legislative meeting as received; seconded by Mr. Fortwengler. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

OLD BUSINESS

Tax Ordinances —

Mrs. Welsh reported that everyone was provided a copy of the minutes from our legislative meetings held on May 11, 1981, and May 14, 1981, where we established our initial tax rate for the City. Tonight we will have the second reading of the three tax ordinances relating to tangible personal property, real property, and motor vehicles and watercraft.

Ms. Ewan gave a second reading in full of Ordinance No. 258, Series 2021, providing for the assessment of all tangible personal property in the City of Watterson Park and the levy and collection of a tax of 5¢ per \$100 of assessed valuation for fiscal year July 1, 2021, to June 30, 2022. The motion was seconded by Ms. Garrett. Mr. Treitz stated that we are reducing the rate from 6.5¢. Ms. Ewan said revenues from this new tax would be \$62,158, which is down from the approximately \$80,000 received from the previous year. The tangible property tax is paid by mostly our businesses; Council agreed that they deserve this reduction in taxes. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

Ms. Garrett gave a second reading in full to Ordinance No. 259, Series 2021, providing for the assessment of all real property within the corporate limits of the City of Watterson Park and for the levy and collection of ad valorem taxes in the amount of 6.5¢ per \$100 of assessed valuation for fiscal year July 1, 2021, to June 30, 2022. The motion was seconded by Ms. Ewan. Mr. Treitz said that our real property tax rate for last year was 7.1¢. Based on the calculation of compensating tax rate, we could have charged 7.2¢. This new rate will result in a substantial reduction in revenues but will financially help our residents and businesses. Ms. Ewan said the 6.5¢ rate would reduce our revenues from this tax by \$21,286. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

Ms. Ewan gave second reading in full to Ordinance No. 260, Series 2021, levying an ad valorem property tax in the amount of 7¢ per \$100 of assessed valuation on all motor vehicles and watercraft by the City of Watterson Park for the year 2022. The motion was seconded by Mr. Johnson. Mr. Treitz noted that this is a .5¢ reduction from the previous rate. Ms. Ewan reported that the lower tax rates on the three tax ordinances combined will give us an estimated revenue loss of \$41,835. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

Stober Road — Mr. Johnson reported that he spoke with Craig Mount regarding the flooding issue. Without doing an actual study, BTM provided two options: We can put in a large sewer basin, which would be quite costly, on the north side of the railroad tracks; or we can expand the retention basin at the Post Office or put in another retention basin just north of there. If they do the study, which would cost approximately \$12,500, we could get more details and be able to better address the issue. Discussion ensued regarding the possibility of getting a historical perspective, of comparing the water volume from years ago to what we have now, of determining changes in the topography and drainage system, and of using a comparison of time-lapse aerial photography. Mr. Crosby suggested breaking the study down into two phases. First, find the root cause of the flooding; and, second, based on the root cause, determine who will share in the cost of a solution. Council agreed. Mr. Johnson will suggest this two-phase approach to Craig Mount, get a cost for the first part, and ask BTM to attend our October meeting to answer questions. We will table any action tonight and address the issue again next month.

Treasurer Jerry Wild joined the meeting at 7:50 p.m.

Off-Duty Patrol Monthly Shift Postings — Mrs. Welsh reported that everyone was provided a copy of this report for the month of September. There continues to be a problem with filling the shifts. Our contract with KLE limits those patrolling our City to LMPD officers or Deputy Sheriffs. Several LMPD officers and sheriffs who used to do off-duty patrol in Watterson Park have left LMPD and are now employed by Shively, St. Matthews, Middletown, and Jeffersontown. We could amend our contract to include these additional police departments. Mr. Bourke agreed, as most of the officers in the smaller police departments are former LMPD officers. Mr. Bourke made a motion to amend our contract with KLE to include officers from Shively, St. Matthews, Middletown and Jeffersontown; seconded by Mr. Fortwengler. After further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0. Mr. Treitz will confer with Mr. Bourke to determine the wording of the amended contract.

Homeless Encampment — Mrs. Welsh reported that Mayor Chesser sent an email to John Miles with the Office of Resilience and Community Services regarding the cleanup of the homeless encampment. Everyone previously involved was copied on her email and she added Geoff Wohl with District 10. John Miles' response was that in order to schedule a homeless encampment cleaning, there must be a homeless encampment identified in the area in accordance with Louisville Metro Ordinance 021, its SOP and the MOU between Louisville Metro Resilience and Community Services, and the Kentucky Transportation Cabinet (KYTC). In this case, there has been no encampment identified. KYTC or the private property owner will be responsible for cleaning this area. Mr. Miles copied Tom Wright and Mike Nolan with KYTC on his email for their input and coordination. Mr. Wohl asked Mr. Wright and Mr. Nolan to keep Mayor Chesser informed on the cleanup, which they agreed to do. Since KYTC installed the new section of fencing blocking off the area, Mayor Chesser is not sure when this will occur. They will need to remove the fence to clean the area. Mr. Bourke reported that the homeless camp has moved to the westbound on-ramp to the Watterson Expressway at Poplar Level Road.

APPROVAL OF TREASURER'S REPORT

Mr. Wild reported revenues for the month of August 2021 in the amount of \$150,226 and expenses in the amount of \$36,799, giving a surplus for the month of \$113,427. Mr. Wild clarified for Ms. Garrett that the Baird debt was money moved from the COVID federal monies into investments; and the software expense is an annual fee for the accounting software, which changes every year because of payroll. Mr. Johnson made a motion to approve the report as presented; seconded by Mr. Fortwengler. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0.

OLD BUSINESS

Mailing Lists — Mrs. Keefe reported that she sent the updated residential mailing list to all Council members and asked for any additions or corrections. There were neither.

KLC Conference — Ms. Ewan reported that the conference was canceled.

Newburg Road Sidewalk — Mrs. Welsh reported for Mayor Chesser that the Louisville Water Company (LWC) started relocating the water line along Newburg Road for the sidewalk project. Steve Kurowsky, Louisville Metro Government Engineer, told Mayor Chesser that they started about a month late according to the LWC. Utility relocation is normally not considered the first phase of roadway jobs, but in this case it is.

NEW BUSINESS

Committee Reports — Mr. Bourke mentioned that a resident had complained about people parking their vehicles in yards, so Mrs. Welsh put notices on the doors for new residents, and the vehicles are now being parked in the driveways.

LMPD 6th Division Citizens Advisory Board Meeting — Mr. Bourke reported that there wasn't a meeting this past month, as Major Robinson was out of town.

General Updates —

1. The JCLC Annual dinner is going to be held on November 18 at the Jeffersonian. The featured speaker is Heather French Henry, and the program is honoring city women mayors in Jefferson County. Cost should be approximately \$50 each. Mr. Fortwengler, Mr. Wild, Mrs. Welsh, Ms. Ewan, and Ms. Garrett would like to attend. Mrs. Keefe will decide as we get closer to the date. Mr. Bourke and Mr. Johnson will not be attending. We can make our final decisions at the October meeting.
2. David Weihe, Sr. Manager Corporate Services, YUM! Brands, Inc., contacted Mayor Chessser about one of the acorn lights near YUM! that has been damaged. During their conversation, Mayor Chessser asked about the employees at the Resource Center on Stober Road and when they might be returning to the office. He said the company plan is to return on October 1, but obviously the current situation is making that a moving target.
3. Todd Preher with Republic Services wanted to know if there would be a problem moving the large trash pickup date from October 16 to October 23. Council concurred and Republic agreed to notify all residential properties and the mobile home park. All residents should have already received the notice from Republic.
4. The Brightside community-wide cleanup is scheduled for October 23. Watterson Park first participated in this event in 2013 and continued to do so until the spring of 2019. Is this something we want to continue to do, or should we wait until the spring clean-up? There was no discussion on this.

ADJOURNMENT

Mr. Fortwengler made a motion to adjourn; seconded by Mr. Johnson. There being no further discussion, the motion was brought to a roll-call vote. Voting yea were Jay Bourke, Becky Ewan, Steve Fortwengler, Gina Garrett, Phil Johnson, and Marlene Welsh. There were no nays or abstentions. Motion carried with a vote of 6-0 and meeting adjourned at 8:10 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 Chessser, Mayor

Aggie Keefe, Clerk

Minutes taken and transcribed by Aggie Keefe from notes and Zoom recording.