

City of Mount Washington  
Minutes of the Regular Council Meeting  
June 8, 2020  
Fick Hall

Mayor Armstrong called the meeting to order at 6:30 PM with the following council members present Greg Gentry, Sandra Hockenbury, Daniel Dooley, Gayle Troutman, Troy Barr and Mike Holt.

Also present were City Attorney Hayden Sweat, City Administrator Dawn Hardin, City Treasurer Alice Harris, Public Works Director Ronnie Fick, Chief Troy Pitcock, and City Engineer Dave Derrick.

Mayor Armstrong reminded anyone wanting to speak to please sign in at the podium. He also stated there is a lot on the agenda and will allocate approximately 5 minutes for each presentation on the agenda to address the city council.

Councilman Barr led the Pledge of Allegiance.

Mayor Armstrong asked those present to take a moment of reflection. Mayor Armstrong said Jordan St. John Administrative Assistant at the Police Department has lost a grandfather and asked everyone to remember the family of Depp Rasner, PVA as he recently passed away unexpectedly.

**Storm water Drainage Appeal (6:34PM -6:57PM)**

Mayor Armstrong stated there is an appeal to the City Council regarding a citation for Quality Stone and Ready Mix and asked Hayden Sweat to proceed with the hearing. The City Attorney stated Quality Stone and Ready Mix was cited on April 28, 2020 under the Mt. Washington Code of Ordinances Chapter 52.05: Illicit discharge detection. On May 8, 2020 Dale Warren requested an appeal via email on behalf of Quality Stone and Ready Mix and the field hearing was set for today's date June 8, 2020. The City Attorney called upon Mike Bowen, Storm Water Quality Management to speak on behalf of the City of Mt. Washington. Hayden also said Wendy McCutcheon will also speak on behalf of the city as a witness and then he will call upon representatives from Quality Stone and Ready Mix to address the City Council and call on any of their witnesses.

Mike Bowen stated on April 16, 2020 he received a call from Don Coffman regarding truck 37 with Quality Stone and Ready Mix was washing out on city park property. He said he went to the location to take pictures of the evidence of the wash out and said he did not see the Ready-Mix truck for himself. Mr. Bowen said he sent a letter of notification of the violation April 28, 2020. Wendy McCutcheon, Parks Director stated while in her office she noticed a Quality Stone and Ready Mix truck on the property that the city recently purchased. She said she drove over to the Quality Stone Truck and explained to the driver that he could not wash out on the city property.

She stated the driver of the truck said she will need to go explain that to the company he was washing out for and she told him that was not her responsibility and that he could not continue to clean out on the city property. Wendy stated she watched as he left and drove down the road to the company he was working for and then left. Wendy stated a few minutes later another Quality Stone truck came to the exact location and proceeded to clean out their truck. Wendy said she went back down to the location and explained that they could not be cleaning out on city property. She said the gentleman stated they were going to be cleaning out for the rest of the day and then was going to come back later and clean up at the end of the day. The mayor asked if they came back to clean up and Wendy said they did clean up. The mayor asked Ronnie Fick, Public Works Director if he wanted to address anything as well. Ronnie stated years ago this company was notified they can not be cleaning out onto the ground and said the Company said they were going to be providing training and said there is a state law that requires containment on wash outs and the city ordinance also states the same. Ronnie suggested the concrete companies to have the people they are doing the work for to provide a containment or wash out location. Ronnie also stated that we have to abide by the state law as well as our city ordinance and site violations accordingly or the city can be cited and fined for not enforcing it. Councilman Holt wanted verification that Quality Stone did come back and clean up. Ronnie said yes, they did. Mayor Armstrong stated his issue was there were two different drivers that were told they could not clean out and said if they had not been seen that the city would have been left to clean this up.

Hayden called upon Dale Warren on behalf of Quality Stone and Ready Mix to address the City Council at this time. Dale Warren called James Thompson with Quality Stone and said he received a call from the driver to come to the location and he said he called Mike Bowen regarding the wash out and met at the location. He said the location did not have piles of concrete and if you did not know what you were looking for you would not even know there was anything washed out there. He stated he would talk to the drivers like they do periodically regarding this problem. He said the driver did exactly what he was told to do. He said the company that hired Quality Stone to do the work used to own the lot that the city purchased and thought it was still okay to do so. Mr. Thompson said the object is to always control the gray water and that is what the state requires on storm water runoff of 10 gallons or less. Mayor Armstrong reiterated the issue is the first driver was specifically warned and a second driver came along to do the same thing. Mr. Thompson said evidently the finisher for the other company not Quality Stone did not relay to the second driver that he could not wash out on the property. Mayor Armstrong stated that was not the city's problem and that was Quality Stone's. Councilman Holt said he agrees that this will fall on the city if there was a problem but he also sees where these drivers may have been misinformed and said he has made mistakes in his life and asked if this caused a problem. Mayor Armstrong stated that the drivers should be aware of the state and city laws to address the violations they cause in their line of work. Jonathan Holloway of Quality Stone the owner, said they have been in business for 54 years and this has never been an issue until the last few years or just never enforced. Mr. Holloway said if there was ever an issue it was from a property owner and not state or city. Mayor Armstrong also stated that the city is the property owner and was told not to wash out there twice. Mr. Holloway stated the violations was not committed willfully or intentionally and was told by the

finisher who owned the property at one time, to wash out there. Mr. Holloway since this incident there has been training on the guidelines on the state law requirements and drivers Quality Stone now sell wash out bags for containment to customers that do not have a location to wash out according to the state law. Mayor Armstrong stated the concrete in your trucks are still your responsibility. Councilman Gentry asked if the pictures provided were the result of the wash out. Mr. Holloway stated yes, they were. Councilman Barr asked what they did to clean up the wash out. Mr. Holloway stated there really was not anything left and said they applied gravel and graded it around the area of the wash out. Ronnie Fick stated that the company sounds like they have put measurements in place to avoid reoccurrence moving forward. Dale Warren stated it is obvious they do not have a history with the City of Mt. Washington and regulations and guidelines have been put in place by Quality Stone and Ready Mix to remediate future occurrences including training to their drivers. Mr. Warren stated there was no cost to the city to clean up and there was no willful cause to violate state or city ordinance and said the maximum fine was applied and said the issue was remediated and asked for a reduced fine. The City Attorney said the City Council has the right to minimize or waive the fine. Councilman Barr made a motion to probate the fine as a first-time offense. Councilman Troutman seconded the motion. Motion carried unanimously.

Mayor Armstrong introduced Dave Howicz with STNL Development on behalf of Tractor Supply. Mr. Howicz stated he is the project manager for Tractor Supply and has been working on the development here in Mt. Washington. He presented to the City Council a presentation of the proposed building and had two options he pointed out for the Council to review. He said this development is proposed in East Brook Pointe near where the Kroger is located. Mr. Howicz said he has been looking to locate a Tractor Supply in Mt. Washington for 5 years and looking for property to do so has been somewhat difficult due to the limited land availability. Mr. Howicz said a lot of time has went into finding the best location and said there have been some changes to the ordinance since the start of his search and said Lori Puchino updated him on the Commercial Design Ordinance and what the new requirements were. He also stated he was unaware that the land was subdivided in many sections and the multi-use sign at the front location did not include the proposed land for Tractor Supply and is concerned about the visibility of the business. He stated that was his error and did not do his due diligence. He reviewed building material and said this project is upgraded more than any other project he has worked on and wanted to address the signage for this project. Mayor Armstrong stated split faced block is not allowed by the ordinance and there have been other proposed buildings not allowed to utilize this material due to noncompliance with the ordinance, and the buildings were built with materials allowable by the ordinance. Mayor Armstrong also stated the area in which he is wanting to build is also a heavily traveled road due to the traffic of Kroger. Mr. Howicz stated there is no opportunity for signage on the existing panel sign and said he request a 25ft pylon sign for advertisement. Councilman Gentry asked Mr. Howicz if they could use Hardie Board as an alternative and asked if it is comparable cost wise to the split face block. Mr. Howicz said he has never done that and said he would have to ask an architect. Councilman Barr clarified if the Hardie board would have to be on one side or two sides. Lori Puchino, Community Development Director stated the building material would have to comply with all sides visible to a road way which in this case would be 3 sides. Mayor Armstrong stated he

would like for Mr. Howicz to come back with other suggestions that will comply with the ordinance and check on the cost effectiveness in doing so. Councilman Gentry said he may not agree with the backside of the building having to comply and said he knows that maybe 10 years from now there may be a business in behind this proposed building that will be visible from the road. Councilwoman Hockenbury stated she agrees with the three sides of the building. Mayor Armstrong said regardless the ordinance will need to have revisions. Councilman Barr asked how many employees this store will bring to our community. Mr. Howicz answered approximately 15 employees and typically Tractor Supply stores has approximately 4 million in sales annually, He also stated they would like to open by Spring. Councilman Holt said this is something that Mt. Washington will need and use and is hopeful to compromise to do what we can do to get it done. Councilman Gentry asked Richard Miles a residential developer who was in attendance if he knew the cost difference between Hardie Board verses brick. Richard Miles said that there is much difference in pricing from a residential standpoint but stated he didn't know if this would really work well for commercial. Mr. Miles also stated split faced block is typically what large box commercial developers use and will be hard in the future to attract larger developments if our ordinance will not allow for this material on a larger square footage building. Councilman Holt also stated Tractor Supply Stores are nationally known if you take too much away from their look would be like taking the arches away from McDonalds, they all look alike. Mayor Armstrong reiterated that this is the Councils decision and want them to be reminded there were other businesses in this town that had to comply with this same ordinance. He specifically stated the dollar store did not want to do all brick and the one across the street from them. Mayor Armstrong stated he is not trying to keep Tractor Supply from building here and would love them to be here, he just wants to be sure all are in compliance with an ordinance that we have passed. Mayor asked the council what they wished to do in this instance. Councilman Gentry asked to table this issue for more consideration. No final decision was made during this meeting and will be addressed at the next regular city council meeting.

### **Minutes**

Councilman Dooley made and Councilman Barr seconded a motion to approve the minutes of the regular council meeting for March 9, 2020. Motion carried.

Councilman Troutman made and Councilman Holt seconded a motion to approve the minutes of the Special Zoom Meeting for April 30, 2020. Motion carried.

Councilman Gentry made and Councilman Troutman seconded a motion to approve the minutes of the Special Meeting for June 4, 2020 with the correction that Councilman Gentry and Councilman Troutman was absent. Motion carried.

### **Treasurer's Report**

Alice Harris presented the Treasurer's Report for the months of February through April 2020. Alice said at the next meeting she will present the May report. Councilman Gentry made and Councilman Holt seconded a motion to accept the report as read. Motion carried.

## **Police Report**

Chief Pitcock read the Police report that review the activity through May 2020. Troy said the Police Department has a new website and encouraged everyone to check it out.

## **Sign in Sheet**

Michael Doyle addressed the City Council regarding a peddler's license requirement for his Peach truck that he will have in the parking lot and the Vender Mall parking lot off Highway 44 E. He stated if he had a spot rented inside the Vender Mall, he would only be required to pay a business license fee of \$75.00. He asked since he will only be in Mt. Washington for a week that he only pay the license fee of \$75.00 instead of the peddler's fee of \$250.00. Councilman Gentry said the Ordinance and fees are set as they are and said he does not see the need to amend. There was no motion to amend and grant a reduction of the fees that are set forth by the current peddler's license ordinance.

## **Ordinance**

### ***SECOND READING – VOTE REQUIRED***

Hayden Sweat read a second reading of a summary ordinance regulating the public rights-of-way in the City of Mt. Washington. Councilman Troutman made and Councilman Barr seconded a motion to approve. Motion carried unanimously by a roll call vote of 6 to 0. Councilman Gentry stated that he would like to include at the second reading the following restrictions be added to the zoning ordinance:

Amanda Webb with Grand Communities LLC / Fisher Homes presented a presentation of homes that are proposed to be built on property to be rezoned off Armstrong Lane. Councilman Gentry asked if there is an access easement onto Highway 44E. Richard Miles said there is and would have to access a state permit beforehand. Mayor Armstrong asked how many access entries there will be for this development. Richard said there were two accesses currently, one onto Highway 44E and the second one from via the Autumn Glen subdivision. Richard Miles said there is no access off Armstrong Lane. Councilman Barr asked Ronnie if there was an access onto 44E and Armstrong Lane from the IGA on the plans they have submitted to the city. Ronnie said there was an access onto 44E according to the plans they submitted, but its been over a year so they will have to resubmit new plans moving forward. Barry Armstrong asked if this development would include apartments. Amana Webb stated there are no apartments proposed in this development, and these are single-family dwellings that are two story. Councilman Barr asked the total number of units that will be included in this proposal. Amanda stated there are 220 units.

- Single - family dwellings only
- Landscaped berm along Armstrong Lane
- No more than 20% vinyl (remaining 80% percent brick, stone, Hardie board or other finish approved by the City)

Eric Farris presented a presentation of the proposed development for the property being proposed for annexation owned by James Jewell on Bethel Church Road. He stated the development will be developed by the same in the presentation from earlier, Grand Communities LLC and Fischer Homes. Mayor Armstrong asked if all the units are single-family homes. Mr. Welch said yes these will all be single-family homes. Richard Miles said the average range of the home will be just under \$200,000 to \$240, 000. Councilwoman Hockenbury asked if the exterior would be the same as the development off Armstrong as to the percentage of vinyl and Hardie board. Richard Miles said this development is located off Bethel Church Road and will be similar to Bethel Branch and other homes in that area that will be more affordable with more square footage and attached garages.

### **Ordinance (s)**

#### ***FIRST READING – INTRODUCED BY COUCILMAN BARR***

Hayden Sweat read the first reading of a consensual annexation ordinance requesting annexation of acres more or less owned by James Jewell and located at Bethel Church Road.

#### ***FIRST READING – INTRODUCED BY COUNCILMAN GENTRY***

The City Attorney read the first reading of an ordinance amending Budget Ordinance 19-18 for the fiscal year July 1, 2019 through June 30,2020. The mayor said there were adjustments due to the coronavirus in certain revenue areas and also stated the Cares Act passed and the amount allocated to the city was verified to be 1,057,000 and was adjusted accordingly in the budget.

#### ***FIRST READING- INTRODUCED BY COUNCILMAN BARR***

Hayden Sweat read the first reading of an ordinance adopting the Budget Ordinance for the fiscal year July 1, 2020 through June 30, 2021. The Mayor said he was excited to announce that for the first time in history the city budget exceeded the Water Department budget in revenues.

#### ***FIRST READING -INTRODUCED BY COUNCILMAN DOOLEY***

City Attorney Sweat read a first reading of an ordinance amending Chapter 158: Commercial Planning and Design. The Mayor said the purpose of wood being removed as a material on a building is due to the maintenance required over a period of years. Lori Puchino also stated there has been so many requests for the Hardie board over the wood for this same reason. Councilwoman Hockenbury said she would like to see the data of the durability of the Hardie board as well.

### **Mayor's Report**

Mayor Armstrong stated that Connie Anton is our current representative on the Bullitt County Planning Board of Adjustment and asked for approval for reappointment for another 4-year term. Councilman Gentry made a motion to approve the appointment of Connie Anton and Councilwoman Hockenbury seconded. Motion carried.

Mayor Armstrong said the Judge Executive addressed an Insurance premium tax increase at a previous meeting and we have received a memorandum of agreement that the city will not elect to take the additional 5% increase for a course of 2 years and the revenue will be utilized by the

county to pay down debt. Councilman Troutman made and Councilman Dooley seconded a motion for the mayor to enter said agreement. Motion carried.

The Mayor stated that we are nearing the end of our current contract with Rumpke and they are proposing an increase of 6.6% effective July 1<sup>st</sup> and the mayor said that we would increase our portion submitted to them for the billing by .50 that shall not be passed on to the residents. Councilman Barr made and Councilwoman Hockenbury seconded a motion to renew with Rumpke for an additional 2-years. Motion carried.

### **Report from Council**

Councilman Barr said he is glad to be back.

Councilman Gentry congratulated Councilman Barr on his retirement for the Bullitt County School Board as Athletic Director and said we did not get to with Covid-19. Councilman Gentry also commended the mayor and city for all their effort and working together for the greater good of our community and staff during the COVID-19.

Wendy McCutcheon said we are trying to open the park as soon as possible and the city is following the guidelines set forth by the Governor.

Councilwoman Hockenbury said with the pandemic going on she wanted to thank all the city employees for continuing to get work done throughout the city while doing it safely and healthy.

Councilman Holt said our community is made up of good-hearted people and loves this community.

Dave Derrick said all the electronics and plumbing, chlorine is in and the tank is filled on the Armstrong Lane Water Tower. He said we are ready to use water out of the tank now. Dave said we are negotiating through our contract with getting the antennas removed.

### **Adjournment**

Councilman Troutman made, and Councilman Barr seconded a motion to adjourn at 8:07 PM. Motion carried.

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Barry Armstrong  
Mayor

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Elizabeth D. Hardin  
City Administrator