

City of Mt. Washington
Regular Council Meeting
August 10, 2020
Fick Hall

Mayor Armstrong called the meeting to order at 6:33 PM with the following council members present; Greg Gentry, Sandra Hockenbury, Daniel Dooley, Gayle Troutman, Mike Holt and Administrative Assistant Gwen Elkins. Councilman Barr was absent.

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

Before the meeting started Mayor Armstrong stated Jim Matthews with State Farm wanted to get a photo of council and mayor. He gave free dinners from Valu Market to all City Employees.

Mayor Armstrong reminded anyone wanting to speak to please sign in at the podium.

Councilman Dooley led the Pledge of Allegiance.

Mayor Armstrong asked those present to take a moment of reflection.

MINUTES

Councilman Troutman made and Councilman Gentry seconded a motion to approve the minutes of the regular council meeting for July 27, 2020. Motion carried.

POLICE REPORT

Chief Pitcock read the Police Report for the month of July 2020.

SIGN-IN SHEET

Hunter Harp addressed council and Mayor regarding Mobile Food Trucks. He stated he started a petition to show councilmembers. He stated the petition is to allow external Food Trucks to come to Mt. Washington for special events. He said he knows some of the concerns is how are you going to track the tax dollars that are supposed to come into Mt. Washington and the safety of the children in the community. He noted regarding taxation, it is no different than any other company operating. He asked the council what questions they have as to why the HOA's want this opportunity. City Attorney Hayden Sweat asked to speak regarding Hunter's petition. He stated in our Ordinance it states all Mobile Food Trucks are required to have a permit. Hunter reached out to the City and pointed out under the Ordinance Section 121.03 under licensing and regulatory requirements, subsection B that there is an alternative to the requirement. Also, if you look under section 121.05 regulation of Mobile Food Unit vendors there is also an exception for the zoning requirements. Typically you could not operate a business in a residential area, but in

the ordinance under subsection L carves out an exception for the zoning requirements for HOA's, for community swimming pools, if the entity responsible for managing the property gives the food truck permission. He stated he knows some of the concerns of the city are who is coming to the city, making sure they are legitimate businesses, as the ordinance says now there is carved out an exception to the permit requirement. For example, a HOA could invite a food truck to their community pool and as long as they get permission and inform City Hall the owner of that food truck would not be required to get the \$250.00 permit. Hayden further stated he appreciated Hunter reaching out to the City.

Hayden stated he thinks the decision the council can consider tonight is whether we want to require all food trucks to have to get a permit or if they want to continue with the exception. Hayden stated the exception could have been a typographical error, if you add a comma, if you go back to section 121.03 section B and subsection 4, it says nothing contained in this section shall relieve a mobile food unit from obtaining its applicable merchant license and any other permits required by state agencies or the local health department, so because there isn't a comma after applicable merchant license, then that clause is not independent from any other permits required by state agencies or the local health department. What it is essentially saying is that the exception for food trucks coming to HOA'S does not relieve them from getting license that the state requires or anything that the health department requires but would exempt them from our permit. He believes the ordinance is somewhat ambiguous so this might want to be something the council wants to address, whether they want to require all food trucks to have permits or continue with this exception. He spoke with Hunter that they had discussed possibly requiring a one (1) day permit that is not as expensive as the \$250.00

Hunter Harp again addressed the council and stated he had a couple other options. Louisville already has their permits at \$200.00, they also have a single day pass for \$50.00, you just send in your health department certificate through email and they send you notification your good to operate on this one (1) day. Shelbyville also has a 1 percent tax and they do that through the quarterly reports so you may be able to attach that paperwork to the one (1) day pass so the vendor knows that we expect them to report every quarter. He stated realistically we cannot expect these smaller food trucks in Louisville that are only going to operate in Mt. Washington one (1) or two (2) days during the summer to pay that whole \$250.00 permit. Ultimately, he wishes it would just stay as is with the exception. He stated we just want to be able to bring in fun food trucks for the community and into the HOA environment. He said Chic-Fil-A has a food truck, and that they can afford the fee, but the smaller ones might not be able to.

Councilman Holt stated his concern is with someone possibly getting sick and then sues the City. Hunter said they are not asking to lift all food truck requirements; we are not wanting food trucks just wondering around the city and streets. Traditional food trucks need to be permitted. This is specifically being invited to private property where ultimately it would be the HOA's responsibility and the HOA would be taking all risk and liability, not the city because it is not on public property, it's on a private property.

Mayor Armstrong addressed Mr. Harp and stated liability in lawsuits they are going to sue everyone in sight, including the City of Mt. Washington, including your HOA and we are constantly looking out for protection of that. Mayor stated there are several things in here that

we need to talk about, but we are not going to do that tonight. We need to discuss people who have been fraudulent, he doesn't know if you'll have been keeping up with that, and if you'll have tracked them down checking their background, have they had background checks, are they pedophiles, an ex-convict. We are making sure we are checking backgrounds; we are checking health department permits. He stated they are taking business away from brick and mortar businesses, who pay their license fees, taxes, etc. More discussion, but basically Mayor Armstrong thanked Mr. Harp for bringing this to our attention and that he and the council are just looking out for our citizens in our community.

Councilman Holt asked City Attorney Hayden Sweat if someone could sue the city if the HOA's are taking responsibility. Hayden stated the Mayor is correct, anyone could sue the city if it came to that.

Councilman Gentry spoke and stated the most important thing is that they are providing a service, but the people who are coming here are providing permits. Fireworks is no different, he's done it and he has to pay for a permit for 2 weeks, and while he appreciates what Mr. Harp is doing, that's a service that these folks are coming to the city to provide, and I feel like they'll probably come back more than once and they may come to a different neighborhood. He thinks there are at least 5 or 6 HOA's in the city

MAYOR'S REPORT

The Mayor reminded everyone again how important filling out the Census is for our community and the funds we would receive from the Federal Government. It is good for Bullitt County; it is good for Mt. Washington. That money comes in for roads and schools, every dollar we get saves the citizens.

The Mayor wanted to share some good news. Everyone has been concerned about the funds coming into the city and the effect that the virus has had on our community. He said for 2019 we had sewer and water connection fees, we sold 102 in the city limits of Mt. Washington, from the period beginning March 1st through June 30th. No impact from Corona Virus. This year we have sold 117 with Corona Virus going on from March 1st through June 30th, 2020. He thinks that is recognizable and astonishing with all that we have been through.

ORDINANCE – FIRST READING

Hayden Sweat read an Ordinance enacting and adopting the supplement to the Code of Ordinances for the City of Mt. Washington.

REPORT FROM COUNCIL

Councilwoman Hockenbury said she was surprised at the number of meters we have sold for this year and that it is very good.

Councilman Holt thanked everyone for coming and said if you need anything just give him a call.

City Engineer Dave Derrick stated as soon as the cell phone people get their antenna's off the Evans Lane Water tower, hopefully they can start on getting it down in the fall.

Mayor addressed problems with the phones from AT & T that he and several people have been having. Chief Pitcock said he spoke with AT & T, but they did not give him any answer as to

why. Mayor said it seems to be just calls, that he was receiving his texts.

Executive Session

The Mayor stated there was no need to go into executive session in accordance with KRS 61.810, for the purpose of future acquisition of real property and litigation.

Adjournment

Councilman Troutman made, and Councilman Holt seconded a motion to adjourn at 7:10 PM. Motion carried.

Barry Armstrong
Mayor

Gwen Elkins
Administrative Assistant