

**CITY OF HEBRON ESTATES
SPECIAL MEETING
SEPTEMBER 2, 2004**

PRESENT: MAYOR CLARK, COMMISSIONERS TUCKER, CLARK, MUIR, MURPHY, FORSHEE CLERK HURST, ATTORNEY EDISON, TOM BARR FROM PIONEER NEWS AND ERIC FLACK FROM WAVE TV3 AND 6 GUESTS.

OPEN: MAYOR CLARK OPEN THE MEETING BY ASKING ATTY EDISON TO READ THE FIRST READING FOR THE 2004 PROPERTY TAX BILLS. ATTY EDISON DID A FIRST READING ON ORDINANCE 2004-03; SETTING THE TAX RATE FOR PUBLIC PROPERTY AND ORDINANCE 2004-04; SETTING THE TAX RATE FOR PUBLIC PROPERTY.

MAYOR CLARK LED THE DISCUSSION ON THE CURRENT GARBAGE CRISIS. ATTY EDISON EXPLAINED THAT BULLITT COUNTY SANITATION HAS NOT FILED FOR BANKRUPTCY. ATTY EDISON EXPLAINED THAT HE TALKED TO MR. HESTER'S (OWNER OF BULLITT COUNTY SANITATION) ATTORNEY AND HE STATED THAT HE STILL HAS NOT GOTTEN THE PAPERWORK TO FILE FROM MR. HESTER.

ATTY EDISON STATED THAT MR. HESTER'S ATTORNEY SAID THAT IF HE DOES FILE IT WILL BE A CHAPTER 7 WHICH IS A LIQUIDATION PLAN; ATTY EDISON EXPLAINED THE PROCESS AS HAVING TO SELL EVERYTHING AND GO COMPLETELY OUT OF BUSINESS. ATTY EDISON EXPLAIN THAT IF HE WERE TO FILE A CHAPTER 11 THAT IS A REORGANIZATION PLAN WHICH MEANS HE COULD STILL OPERATE AS BULLITT COUNTY SANITATION. ACCORDING TO ATTY EDISON THE CITY WOULD BE A BETTER SITUATION IF HE DID FILE CHAPTER 7; BECAUSE THE CITY WILL KNOW WHAT YOU ARE CAPABLE OF DOING IN TERMS OF THE FRANCHISE. ACCORDING TO THE FRANCHISE IF HE FAILS TO PICK UP WE HAVE TO GIVE HIM WRITTEN NOTICE THAT HE MUST CORRECT IT. ATTY EDISON STATED THAT IF HE WERE TO FILE BANKRUPTCY WE DO NOT HAVE TO WORRY ABOUT A LOT OF CORRECTION; YOUR NOT IN THE SAME POSITION AS PIONEER VILLAGE BECAUSE BULLITT COUNTY SANITATION HAD FAILED TO POST ~~THERE~~ ^{Mr. Hester} PERFORMANCE BOND THEREFORE THEY COULD WITHDRAW THE FRANCHISE. ATTY. EDISON STATED THAT LAST NIGHT THE CITY CHOSE ANOTHER BIDDER ECHO TECH. SINCE THE CITY ORDINANCE WAS IN EFFECT SINCE JULY 2003 AND HE DID PAY HIS \$500 PERFORMANCE FEE AND GOT A PERFORMANCE BOND; WE ARE NOT IN ANY POSITION TO GO BACK AND TALK TO THE OTHER PEOPLE.

ATTY. EDISON STATED THAT THE ONLY THING HE SEES WRONG WITH THE CONTRACT IS THAT IT WAS NOT SIGNED BY BULLITT COUNTY SANITATION. ATTY. EDISON STATED THAT HE WOULD CHECK WITH STATE AUTO INSURANCE AND SEE IF THEY HAVE A \$100,000.00 PERFORMANCE BOND THAT IS SIGNED FOR. ATTY EDISON STATED THAT THE BOND WAS NOT MONEY AND THAT IT WOULD ONLY PROVIDE GARBAGE SERVICE FOR THE REMAINDER OF THE CONTRACT TO THE RESIDENTS.

ATTY. EDISON STATED THAT IF BULLITT COUNTY DOES FILE CHAPTER 7 BANKRUPTCY; THEN THE CITY CAN CLAIM THE BOND FOR THE REMAINDER OF THE YEAR AND RE-BID THE CONTRACT TO SOMEONE ELSE. THIS COULD TAKE ABOUT A MONTH TO GET A SERVICE INTO THE CITY.

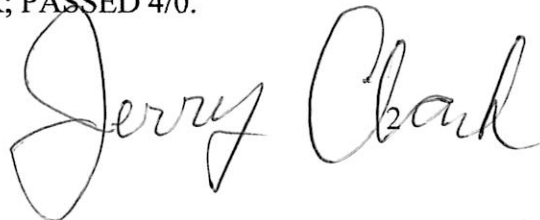
ATTY. EDISON EXPLAINED THAT THE CITY CAN NOT JUST ASK ANOTHER SERVICE TO COME IN DUE THE \$20,000.00 PROCUREMENT CODE AND DUE TO THE CITY NOT HAVING ENOUGH MONEY TO COVER THE PICK UP FOR THE CITY FOR ALL RESIDENTS AND BUSINESS OWNERS. ATTY. EDISON EXPLAINED THAT IT WAS NOT PLANNED IN THE BUDGET TO DO THAT. ATTY. EDISON EXPLAINED THAT EVEN BRINGING IN A DUMPSTER FOR THE NEXT MONTH WOULD BE COSTLY AND THE COUNCIL WILL HAVE TO FIGURE OUT WHERE THE MONEY WILL COME FROM. ATTY. EDISON STATED THAT THE DUMPSTERS THAT HE USED AT THE FAIR GROUNDS WERE ABOUT \$1,000.00 A WEEK; WHICH IS FOR A CARNIVAL OPERATION WHICH IS NEARLY NOT AS MUCH TRASH AS A WHOLE CITY.

CLERK HURST RAISED THE QUESTION "CAN WE GO AHEAD AND COLLECT ON OUR PERFORMANCE BOND TO GET THE RESIDENTS SERVICE?" ATTY. EDISON STATED THAT UNTIL HE FILES CHAPTER 7; YOU CAN NOT COLLECT ON THE BOND. A GUEST SPOKE UP AND EXPLAINED THAT SHE WAS FORCED TO TAKE BULLITT COUNTY SANITATION AND NOW I HAVE NO PICK UP. MAYOR CLARK EXPLAINED THAT WE ARE ALL IN THE SAME BOAT AND WE ARE TRYING TO FIGURE OUT WHAT ARE OPTIONS ARE. ATTY. EDISON STATED THAT DEPENDING ON WHAT HAPPENS NEXT WEEK HE COULD BE IN BUSINESS.

A DISCUSSION WAS LED BY COMM. MURPHY ABOUT THE DUMPSTER AT THE NEW BUILDING. ATTY. EDISON EXPLAINED THAT SINCE HE WAS NOT A RESIDENT AND THE CITY HAD CONTRACTED HIS SERVICES THEN HE COULD USE WHAT EVER GARBAGE COMPANY HE WANTED TO EMPTY HIS DUMPSTER. COMM. MURPHY STATED THAT WE SHOULD GET HIM TO PUT A LARGER DUMPSTER ON THE PROPERTY FOR THE RESIDENTS SO THAT THEY CAN USE IT FOR THE TIME BEING UNTIL WE EITHER FIND OUT THAT BULLITT COUNTY SANITATION HAS FILED OR THAT HE IS BACK PICKING UP THE GARBAGE. A GUEST SPOKE UP AND EXPLAINED THAT SHE DID NOT HAVE A TRUCK AND A WAY TO GET THE TRASH OVER THERE. COMM. TUCKER AND MAYOR CLARK EXPLAINED THAT WHAT'S A NEIGHBOR IS FOR. COMM. MURPHY ASKED THE COUNCIL TO SPREAD THE WORD ABOUT THE DUMPSTER UNTIL WE CAN GET SOMETHING WORKED OUT.

COMM. TUCKER MADE A MOTION TO ALLOW MAYOR CLARK TO MAKE A DECISION ON WHAT WOULD BE THE BEST FOR THE CITY; WHILE WE ARE IN LIMBO. COMM. MURPHY 2ND THE MOTION. PASSED 4/0.

MOTION WAS MADE TO ADJOURN BY COMM. CLARK AND SECONDED COMM. MUIR; PASSED 4/0.

A handwritten signature in cursive script that reads "Jerry Clark". The signature is written in black ink and is positioned below the text of the meeting minutes.