

**City of Brownsboro Farm  
Regular Commission Meeting  
Tuesday, January 14th, 2014**

A regular meeting of the Brownsboro Farm City Commission was held on Tuesday, 01/14/14 at the Brownsboro Farm Community Center. The meeting was called to order at 7:31 p.m. Present were Commissioners Barbara Rice, Tim Quinn, John Shea and Jonathan Ratliff, Mayor Marc Salmon, Clerk Treasurer Dennis Branson and residents Bob Bale, Charlie Spencer, and Tessa Ramsey were present.

The agenda was adopted as written.

The minutes from December were motioned and approved. The motion was by Mayor Salmon and was seconded by Commissioner Ratliff.

The financials from December were motioned and approved. The motion was by Mayor Salmon and was seconded by Commissioner Quinn.

**Parks Board**

Their next agenda is going over the proposed pool contracts from Professional Pool Management and Kentuckiana Pool Management, and they will then make a decision. There is some connection between Professional Pool Management and USA Pools. This will be investigated further. No one has applied for the pool/cc monitor position. They are looking at alternatives. They are still gathering information to address the community survey that was done. They are answering the concerns and questions that people raised.

Mayor Salmon said we have to have a decision in Feb so we can have a packet in March.

**Commissioner Rice**

Commissioner Rice reported that the post holiday party has been cancelled due to the small number of responses. She reported that we have gotten the receipts from the Santa party. We had Gibson & Sons come out once for snow removal but we have not been billed yet.

**Commissioner Quinn**

Commissioner Quinn gave an update on rekeying the community center. He is recommending the following keys be made: 12 general keys, 2 keys for pool management, and a separate key where the camera is. He also wants to consider a separate key for storage areas. Mayor Salmon asked Commissioner Quinn to put together a list of each key and what it does.

Cindy Clippinger and her daughter are the new Gazette editors. He hopes to have a Gazette in a week to 10 days.

Directory Update – If anyone knows anyone new who has moved in, contact Commissioner Quinn.

**Commissioner Shea**

Commissioner Shea has put together some information regarding the signs. An attorney with the Kentucky League of Cities said that we need to follow the standards of federal regulations where the signs are reflective. However, the federal dates have been pushed back so we are not sure where we stand. Eagle Signs gave us a quote of \$750 to put new hardware on all of the signs to make them more stable. Commissioner Shea wants to wait until better weather before they work on the signs.

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Mayor Salmon suggested that we look at some of the sign poles to see if they need to be painted.

**Commissioner Ratliff**

Traffic issues – Commissioner Ratliff has talked to Lt. Cabrera and things have gotten better in the back of the city. We are going to start giving people parking on the street warnings and then we are going to tow.

We have had one informal inquiry about the pool monitor. We are going to have to go outside the city to look for a pool monitor. Mayor Salmon said that if we go outside the city we have a lot of issues to discuss. Problem one is giving them a free pool membership. Problem two is we are trusting them with a lot of our assets. Problem three is what happens if they quit during the season. Commissioner Shea said that the pool monitor and parks monitor position used to be two separate positions. Commissioner Ratliff said that he feels that the community center monitor hours are so few, that it will be hard to get someone outside the city to do it. We are going to post something in the Gazette asking for someone to just be the cc monitor.

The parks board is looking into an ID system for pool membership for next year. They are looking at different methods to handle visitors.

We have received a bid from Morris Electric to work on the lights on the pole that is not working. They are going to do the repair and do some trouble shooting to see how about our existing problems.

Commissioner Ratliff made a motion to allocate funds from line 55120 – Pool – Maint/Repairs- in the amount not to exceed \$500 to fix the light on the pole. The work is to be completed before the February Parks Board meeting. The motion was seconded by Commissioner Quinn and was passed unanimously.

Commissioner Ratliff made a motion to allocate funds from line 54320 – Community Center – Maint/Repairs- in the amount of \$80 to have Morris Electric troubleshoot the electric and the Community Center. The work is to be completed before the February 1st. The motion was seconded by Commissioner Quinn and was passed unanimously.

Commissioner Ratliff wanted to thank Doug White for fixing the pool pump.

**Mayor Salmon**

Mayor Salmon has been working closely with Thomas Murphy, our new city attorney:

The problem in this case is that USA Pools, Inc. is not a valid Georgia corporation, with assets to go against. The only potential assets would be in the hands of Troy Legg, the man behind USA Pools, Inc. So far, attempts to reach his assets have failed. Our attorney has suggested an alternate method, though, which Mayor Salmon thinks the city should seriously consider.

Counsel will ask the Kentucky court to award the city a judgment against Mr. Legg, on the basis that there was never a corporation by that name, and that it was always Mr. Legg doing business as USA Pools, Inc. – not USA Pools, Inc. doing business in its own name as a valid corporate entity. The Kentucky judgment could be registered in Georgia and collection efforts could proceed in Georgia against Mr. Legg directly.

To explain the rationale for this decision, here is the background of this matter.

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The city received an arbitration award in the amount of \$58,458.90 plus interest at 8% per annum from November 10, 2004 until paid. The award was converted to a judgment through the appropriate action filed in Kentucky, by order entered August 9, 2007. Though we have not performed the calculations to come up with a current figure through compounding interest, we are advised it is now well in excess of \$100,000.

Georgia counsel was then retained to pursue collection of the Kentucky judgment in Georgia. We were then advised that USA Pools, Inc. is not a Georgia corporation, though. Through Georgia counsel, suit was filed to obtain a judgment against Troy Legg (the principal of USA Pools, Inc.), and several similarly named corporations which Georgia counsel identified as being associated with Mr. Legg. On June 16, 2010, a default judgment was obtained in Georgia against: USA Pools of Georgia, Inc., USA Pools of Tennessee, Inc., USA Pools of Pennsylvania, Inc., USA Pools of North Carolina, Inc., USA Pools of Houston, Inc., USA Pools of Dallas, Inc. and USA Pools of New York, Inc.

Rather than continuing in Georgia, counsel suggests shifting back to Kentucky, where we have a judgment against USA Pools, Inc. and request the court to enter a judgment in the same amount against Mr. Legg.

Georgia counsel informs us that a fieri facias could be filed in Forsythe County (where he lives) that would attach to real estate or personal property owned by Mr. Legg in that county. Through statewide records, a fieri facias could also be filed in any other counties where he owns real estate. If Mr. Legg attempts to sell real estate, the fieri facias lien would have to be paid.

Counsel suggests that, since the city has gone this far and holds a judgment debt of this size, the additional marginal expense of going after a Kentucky judgment and follow up collection efforts directly against him in Georgia seem indicated, particularly since this is a different track than what has previously been attempted and is only a marginal increase above the expense already incurred.

Mayor Salmon gave an update on the abandoned property at 8202 Oldgate. The owner of the property has paid the mortgage current, and the taxes have been paid. The property is an attractive nuisance since it is vacant. City Counsel & Mayor Salmon will be sending certified notices regarding the condition of the property and will be working with Metro to enforce property code

Mayor Salmon made a motion to adjourn at 8:42. It was seconded by Commissioner Ratliff and passed unanimously.

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Marc Salmon, Mayor

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Dennis Branson, City Clerk