

**CITY OF JEFFERSONTOWN, KENTUCKY
MINUTES
COUNCIL MEETING
JULY 20, 2011
9:00 A.M.**

Mayor Bill Dieruf called the Meeting to order at 9:00 A.M. The following Councilmembers were present: Tim Hall, Daniel Ruckriegel, Mark Blum, Ray Perkins, Pam Ware and Vince Grisanti. Councilmembers Carol Pike and Brian Abrams were absent. Also present Fred E. Fischer, City Attorney, and Bill Fox, City Clerk/Treasurer.

CALL TO ORDER

Reverend Tom Dillard gave the opening prayer which was followed by the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

Mayor Dieruf recognized Linda Ohlmann, 4004 Longview Road, who brought to the Council's attention an issue regarding the enforcement of a noise ordinance with respect to the noise generated by her neighbor, an adjoining property owner. Chief Richard Sanders, Jeffersontown Police Department, commented that they have made several runs to this address but have issued no citations. Fred E. Fischer, City Attorney, explained the difficulty in the objective enforcement of a noise ordinance and suggested an option for Ms. Ohlmann would be to seek relief through the Courts through a Common Nuisance cause of action. A discussion followed.

LINDA OHLMANN – ENFORCEMENT OF NOISE ORDINANCE

Mayor Dieruf recognized David Melber who, on behalf of Crossings Ministries, a 501(c)(3) non-profit organization, addressed the City Council seeking relief from the penalty and interest fee attached to the late payment of the 1% payroll tax of which they were unaware but have subsequently paid. Fred E. Fischer, City Attorney, responded that neither the Mayor, nor the City Council, have any discretion with respect to the waiver of penalty and interest which is a public law. The ordinance may be amended but would only affect future such issues and not current ones.

DAVID MELBER: CROSSINGS MINISTRIES – WAIVER OF PENALTY AND INTEREST FEES

Councilmember Daniel Ruckriegel made a motion to approve the Minutes of the Council Meeting of July 5, 2011, as distributed. Councilmember Tim Hall seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

MINUTES: 7/05/2011

Councilmember Pam Ware made a motion to approve General Fund Warrant No.1305, as distributed. Councilmember Ray Perkins seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

GENERAL FUND WARRANT NO. 1305

Councilmember Daniel Ruckriegel made a motion to approve Road Maintenance Warrant No. 693, as distributed. Councilmember Mark Blum seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ROAD MAINTENANCE
WARRANT NO. 693**

Mayor Dieruf called for the Second Reading, by title only, of Ordinance No. 1272, Series 2011: An Ordinance Relating to a Change in Zoning from R-4 Residential Single Family to OR-1 Office Residential for Property Located at 10309 Watterson Trail and Being in the City of Jeffersontown, Kentucky. Councilmember Daniel Ruckriegel so moved. Councilmember Mark Blum seconded the motion. Mayor Dieruf noted the rezoning is for a hair salon and the drainage issue presented in Binding Element No. 6 is being resolved. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Ordinance, by title only, and gave a summary of same, with the inclusion of Binding Element No. 6.

**FIRST READING OF
ORDINANCE NO. 1272,
SERIES 2011:
10309 WATTERSON
TRAIL (HAIR SALON)**

Councilmember Daniel Ruckriegel made a motion to adopt Ordinance No. 1272, Series 2011. Councilmember Tim Hall seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ADOPT ORDINANCE
NO. 1272, SERIES 2011**

Mayor Dieruf recognized Mike Kmetz, Economic Development Authority Director, who provided a brief summary of items No. 9 – 12 on the Agenda relating to Tax Incentive Programs. A discussion followed. In response to a statement by Councilmember Ray Perkins that he would abstain from voting on one item on the Agenda because he was a close personal friend of the individual, Fred E. Fischer, City Attorney, commented that if any Councilmember recognizes a conflict of interest, rather than abstain which becomes a vote for the majority, they should recuse themselves from any discussion of the item and absent themselves from the room.

**MIKE KMETZ: TAX
INCENTIVE PROGRAMS**

Councilmember Daniel Ruckriegel made a motion for the First Reading, by title only, of Resolution No. 222, Series 2011: A Resolution Approving a Grant of Inducements to SLT Industries, LLC, for the Purpose of Attracting and Retaining Jobs Pursuant to KRS Chapter 154.32. Councilmember Pam Ware seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Resolution, by title only, adopting Mike Kmetz's summary as his own.

**FIRST READING OF
RESOLUTION NO. 222,
SERIES 2011: SLT
INDUSTRIES, LLC --
INDUCEMENT GRANT**

Councilmember Daniel Ruckriegel made a motion to adopt Resolution No. 222, Series 2011. Councilmember Pam Ware seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ADOPT RESOLUTION
NO. 222, SERIES 2011**

Councilmember Daniel Ruckriegel made a motion for the First Reading, by title only, of Resolution No. 223, Series 2011: A Resolution Approving a Grant of Inducements to Trinity Video Communications, Inc., for the Purpose of Attracting and Retaining Jobs Pursuant to KRS Chapter 154.32. Councilmember Mark Blum seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Resolution, by title only, adopting Mike Kmetz's summary as his own.

**FIRST READING OF
RESOLUTION NO. 223,
SERIES 2011: TRINITY
VIDEO
COMMUNICATIONS,
INC. – INDUCEMENT
GRANT**

Councilmember Daniel Ruckriegel made a motion to adopt Resolution No. 223, Series 2011. Councilmember Mark Blum seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

ADOPT RESOLUTION NO. 223, SERIES 2011

Councilmember Ray Perkins recused himself before introduction of Resolution No. 224, Series 2011. Councilmember Daniel Ruckriegel made a motion for the First Reading, by title only, of Resolution No. 224, Series 2011: A Resolution approving A Grant of Inducements to Rainbow Design Services, Inc., for the Purpose of Attracting and Retaining Jobs Pursuant to KRS Chapter 154.32. Councilmember Pam Ware seconded the motion. MOTION WAS UNANIMOUSLY CARRIED with one Councilmember recused. Fred E. Fischer, City Attorney, read the Resolution, by title only, adopting Mike Kmetz's summary as his own.

FIRST READING OF RESOLUTION NO. 224, SERIES 2011: RAINBOW DESIGN SERVICES, INC. – INDUCEMENT GRANT

Councilmember Daniel Ruckriegel made a motion to adopt Resolution No. 224, Series 2011. Councilmember Vince Grisanti seconded the motion. MOTION WAS UNANIMOUSLY CARRIED with one Councilmember recused. Councilmember Ray Perkins returned to the Meeting.

ADOPT RESOLUTION NO. 224, SERIES 2011

Councilmember Vince Grisanti made a motion for the First Reading, by title only, of Resolution No. 225, Series 2011: A Resolution Approving a Grant of Inducements to Piston Automotive, LLC, for the Purpose of Attracting and Retaining Jobs Pursuant to KRS Chapter 154.32. Councilmember Mark Blum seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Resolution, by title only, adopting Mike Kmetz's summary as his own.

FIRST READING OF RESOLUTION NO. 225, SERIES 2011: PISTON AUTOMOTIVE, LLC – INDUCEMENT GRANT

Councilmember Mark Blum made a motion to adopt Resolution No. 225, Series 2011. Councilmember Pam Ware seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

ADOPT RESOLUTION NO. 225, SERIES 2011

Mayor Dieruf called for the First Reading, by title only, of Ordinance No. 1273, Series 2011: An Ordinance Relating to the Amendment of Ordinance No. 1188, Series 2001, as Amended, Relating to Compensation and Classification of City Employees in the City of Jeffersontown. Chief Richard Sanders, Jeffersontown Police Department, gave a brief summary of the Ordinance to amend the title of the two (2) designated part-time Officers from Dare Officers to School Resource Officers (SRO). A discussion followed. Councilmember Daniel Ruckriegel made a motion for the First Reading, by title only, of Ordinance No. 1273, Series 2011. Councilmember Mark Blum seconded the motion. Discussion continued. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Ordinance, by title only, adopting Chief Sander's summary as his own.

FIRST READING OF ORDINANCE NO. 1273, SERIES 2011: AMEND DARE OFFICERS TO SCHOOL RESOURCE OFFICERS (SRO)

COMMITTEE REPORTS:

Councilmember Tim Hall, Planning & Zoning Committee, reported on the positive responses he received at the Plainview Swim & Dive Banquet regarding the facility renovations. Councilmember Hall also wished the Little

POOL RENOVATIONS

League good luck in tonight's games starting at 6:00 P.M. and noted the Parks & Recreation Director, Debbie Hendrick, is putting the Tway House to good use by providing it for rental.

Councilmember Hall reported that he accompanied Jimmy Franconia, Public Works Director, to a meeting with the Louisville Metro Health Department regarding mosquito abatement. In the short term, Metro has agreed to take calls through Metro 311 from Jeffersontown residents regarding mosquito issues. The areas in question will be tested; and, if warranted, the appropriate action will be taken to resolve the issue. However, in the near future, the City of Jeffersontown will need to assume this responsibility and train its own employees in the assessment and resolution of mosquito issues. A discussion followed.

**MOSQUITO
ABATEMENT**

Councilmember Daniel Ruckriegel -- Public Works Committee -- No Report.

Councilmember Mark Blum, Economic Development Committee, requested any information on Grants for the improvement of Bluegrass Commerce Park: the facades of the businesses or widening of the roadways. Mayor Dieruf gave a brief description of the process the City already has in place to assist with Park facades, noting Technology Plus as an example. Mike Kmetz, Economic Development Authority Director, gave a brief summary of the process for the improvements of facades and roadways.

**IMPROVEMENTS FOR
BLUEGRASS
COMMERCE PARK**

Councilmember Ray Perkins, Finance Committee, requested an update on the status of the clean-up measures at the J-Town Swim Club. Kim Weber, Code Enforcement Officer, reported that Mr. Holloway is complying with the City's request to clean-up and maintain the property with only the opening of the pool area still needing attention.

J-TOWN SWIM CLUB

Councilmember Perkins recognized John Cosby, President of the Chamber-Jeffersontown. Mr. Cosby invited the Mayor and City Council to the Kick-Off Luncheon for the Gaslight Festival on August 24th.

**GASLIGHT FESTIVAL
KICK-OFF LUNCHEON**

Councilmember Perkins announced that Chubby Ray's is hosting a MDA Fundraiser today from 11:00 A.M. to 2:00 P.M.

MDA FUNDRAISER

Councilmember Pam Ware, Parks & Recreation Committee, invited those attending today's Ribbon Cutting to take the time to drop by the Museum to view the airplane exhibit.

**MUSEUM: AIRPLANE
EXHIBIT**

Councilmember Vince Grisanti -- Legislative Committee -- No Report.

Mayor Dieruf reported that the City is currently purchasing lunch once a week for the Work Aides from Dismas House and asked for the Council's approval to continue this policy. Councilmember Daniel Ruckriegel so moved. Councilmember Vince Grisanti seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

WORK AIDES: LUNCH

Mayor Dieruf announced that the City's Cleaning Services Contract has been reassessed due to background checks on the selected company and has been awarded to the company with the next competing bid, Quality Cleaning.

**CLEANING SERVICES
CONTRACT: QUALITY
CLEANING**

Mayor Dieruf recognized John Carter, Revenue Director, who gave a brief summary of the City's collection of past due property taxes from 2007 to date.

**PROPERTY TAX
COLLECTION**

Mayor Dieruf announced that the RFP for Charge Cards goes out tomorrow, Thursday, July 21st, with a one (1) week window to submit a proposal. Mayor Dieruf announced that the RFP on the Website Development also goes out tomorrow, with a two (2) week window to submit a proposal.

**RFP FOR CHARGE
CARDS & WEBSITE
DEVELOPMENT**

Mayor Dieruf requested the Administrative Committee meet briefly at the August 1st Council Meeting, at which time a copy of information regarding our HR Handbook will be distributed for their review and recommendation to the full City Council at the next meeting.

**ADMINISTRATIVE
COMMITTEE
MEETING**

Mayor Dieruf recognized his Executive Assistant, Elaina Fischer, who reported that the Kentucky League of Cities would honor their early registration fee discount for the KLC Conference & Exposition in October if the City registered as quickly as possible; confirmation from those wishing to attend should be received by tomorrow.

**KLC CONFERENCE &
EXPOSITION**

Mayor Dieruf announced that the Ribbon Cutting with the Governor for Blankenbaker Parkway and the Bike and Pedestrian Trail has been moved to the Senior Citizens Center due to the extreme heat.

**RIBBON CUTTING –
SENIOR CITIZENS
CENTER**

Mayor Dieruf reported that the Police Department Firearms Simulator System Training has been postponed to Monday, August 1st, either before or after the City Council Meeting.

**POLICE DEPARTMENT
FIREARMS
SIMULATOR TRAINING**

Mayor Dieruf provided a brief summary of the City's Community Outreach funding procedure. Letters and application forms will be mailed by August 1st to those who have applied for funding in the past and to those non-profit organizations who have recently requested applications. The applications must be returned by September 1st for distribution to the Council.

**COMMUNITY
OUTREACH FUNDING**

For the Council's information, Mayor Dieruf reported that, due to the State Department of Transportation's new regulations, the final cost of the City's proposed Wayfinding Signs has approximately doubled. A discussion followed. Installation of the signs should be complete by the end of August.

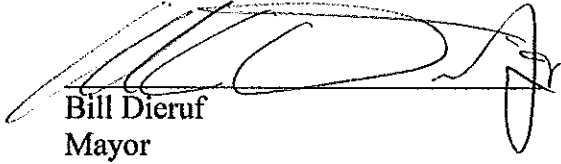
WAYFINDING SIGNS

Mayor Dieruf asked for a motion to move into Executive Session. Fred. E. Fischer, City Attorney, requested permission to articulate the motion as follows: A motion to repair to Executive Session pursuant to KRS 61.810 (1)(c) for the purpose of discussing pending litigation. Councilmember Mark Blum so moved. Councilmember Ray Perkins seconded the motion. MOTION WAS UNANIMOUSLY CARRIED, whereupon Council adjourned to Executive

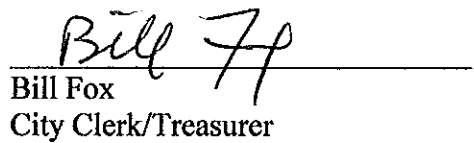
EXECUTIVE SESSION

Session. The Regular Meeting was resumed and Fred E. Fischer, City Attorney, asked the record to reflect that Chris Gadansky, Attorney assigned to the City by the Kentucky League of Cities, appeared before the Executive Session to discuss pending litigation pursuant to KRS 61.810 (1) (c) and no final action was taken. (Please see attached)

There being no further business to come before the Council, Councilmember Mark Blum made a motion to adjourn. Councilmember Tim Hall seconded the motion. **ADJOURN**
MOTION WAS UNANIMOUSLY CARRIED.



Bill Dieruf
Mayor



Bill Fox
City Clerk/Treasurer

**JEFFERSONTOWN EXECUTIVE SESSION
MINUTES OF MEETING – July 20, 2011**

Present: Mayor Bill Dieruf
Mark Blum
Vince Grisanti
Tim Hall
Ray Perkins
Daniel Ruckriegel
Pam Ware
Chief Rick Sanders
Fred Fischer - City Attorney
Chris Gadansky – McBrayer, McGinnis, Leslie & Kirkland, PLLC (Attorney)

10:09 a.m. – The Executive Session was called to order by Mayor Bill Dieruf per KRS 61.810 (1) (c)

Topic Discussed

Pending litigation against the City of Jeffersontown

Attorney Chris Gadansky provided a history of the pending litigation against the City of Jeffersontown for new council members. Council members asked questions of Mr. Gadansky about the pending litigation. No final action taken on any matter.

There being no further business to come before the Executive Session and upon motion and second, and unanimously carried, the meeting was concluded at 10:57 a.m. July 20th.



Bill Fox, City Clerk/Treasurer