

**CITY OF JEFFERSONTOWN, KENTUCKY
MINUTES
COUNCIL MEETING
SEPTEMBER 15, 2010
9:00 A. M.**

Mayor Foreman called the Meeting to order at 9:00 A.M. The following Councilmembers were present: Kay Ackerson, Bill Dieruf, Anita Johnson, Ray Perkins, Daniel Ruckriegel, Carol Pike and Pam Ware. Councilmember David Quinlan was absent. Also present Fred E. Fischer, City Attorney, and Jim Leidgen, Clerk-Treasurer.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Foreman recognized Rhonda Javorka, resident of Sprowl Meadows Apartments, who requested the Mayor and City Council consider area residents and require the privately owned businesses providing any type of amplified outdoor music during the Gaslight Festival to stop the music by 11:00 P.M. on Friday and Saturday nights and by 10:00 P.M. on Thursday night. A discussion followed. Fred E. Fischer, City Attorney, commented that the Council doesn't have enough time to entertain an ordinance with respect to this request; however, there are two possible options for remedy: 1. the Police Department can enforce the County Noise Ordinance; and/or, 2. these are commercial sites which have binding elements with restrictions on usage and fines may be issued for violation of these restrictions. Mr. Fischer suggested a letter of request for voluntary compliance might be the City's first step to control the hours for amplified outdoor music during the Festival. Councilmember Daniel Ruckriegel made a motion to notice all businesses providing amplified outdoor music during Gaslight Festival that this music is not permitted after 11:00 P.M. Councilmember Anita Johnson seconded the motion. Discussion continued. Mayor Foreman requested Jim Leidgen, City Clerk, call the roll. The roll was called as follows:

**RHONDA JAVORKA:
AMPLIFIED
OUTDOOR MUSIC –
GASLIGHT FESTIVAL**

Kay Ackerson	Yes
Bill Dieruf	Yes
Anita Johnson	Yes
Ray Perkins	No
Daniel Ruckriegel	Yes
Carol Pike	Yes
Pam Ware	No

Jim Leidgen, City-Clerk, announced the seven votes as five (5) votes in favor of the motion and two (2) votes in opposition to the motion, whereupon the MOTION PASSED.

Fred E Fischer, City Attorney, noted that all City Councilmembers have received a letter from Councilmember David Quinlan; and, pursuant to KRS 83A.040 (7), Councilmember Quinlan's resignation became effective upon the opening of today's Council Meeting. There is now a vacancy on the Council which needs to be filled within a thirty (30) day period, starting now.

**COUNCILMEMBER
DAVID QUINLAN:
RESIGNATION**

Councilmember Carol Pike made a motion to approve the Minutes of the Council Meeting of September 7, 2010, as distributed. Councilmember Kay Ackerson seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

MINUTES: 9/07/2010

Councilmember Daniel Ruckriegel made a motion to approve General Fund Warrant No.1286, as distributed. Councilmember Carol Pike seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**GENERAL FUND
WARRANT NO. 1286**

Councilmember Daniel Ruckriegel made a motion to approve Road Maintenance Warrant No. 674, as distributed. Councilmember Carol Pike seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ROAD MAINTENANCE
WARRANT NO. 674**

Mayor Foreman called for the Second Reading, by title only, of Ordinance No. 1261, Series 2010: An Ordinance Relating to the Amendment of Ordinance No. 1188, Series 2004, as Amended, the Jeffersontown Classification and Compensation Ordinance. (Pertaining to the Police Department Command Staff) Councilmember Bill Dieruf so moved. Councilmember Carol Pike seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Ordinance, by title only, and gave a summary of same.

**SECOND READING OF
ORDINANCE NO. 1261,
SERIES 2010: AMEND
ORD. 1188, SERIES 2004,
CLASSIFICATION &
COMPENSATION – PD
COMMAND STAFF**

Councilmember Carol Pike made a motion to adopt Ordinance No. 1261, Series 2010. Councilmember Anita Johnson seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ADOPT ORDINANCE
NO. 1261, SERIES 2010**

Mayor Foreman called for the First Reading, by title only, of Resolution No. 201, Series 2010: A Resolution Relating to the Approval of a Detailed Development Plan with a Landscape Waiver from Louisville Metro Planning Commission for Brookstone Apartments, Located at 2821 Biggin Hill Court, Jeffersontown, Kentucky. Deborah Balitsky, representing the applicant, gave a brief summary of the proposal for 56 senior citizen apartment units on the subject property. A discussion followed. Scott Bryan and Kim Dunaway, also representing the applicant, responded to Council questions. Fred E. Fischer, City Attorney, commented that trash collection with respect to apartments and condominiums has been a major concern for the City; therefore, without objection from Ms. Balitsky, he is including an additional Binding Element No. 10 to the proposal stating that the owner shall provide sufficient dumpster servicing for the units. Councilmember Bill Dieruf made a motion for the First Reading, by title only, of Resolution No. 201, Series 2010. Councilmember

**FIRST READING OF
RESOLUTION NO. 201,
SERIES 2010:
BROOKSTONE
APARTMENTS, 2821
BIGGIN HILL COURT
(SENIOR CITIZENS
APTS.)**

Ray Perkins seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. Fred E. Fischer, City Attorney, read the Resolution, by title only, and gave a summary of same, with the inclusion of an additional Binding Element No. 10 pertaining to sufficient dumpster service for the development.

Councilmember Bill Dieruf made a motion to adopt Resolution No. 201, Series 2010. Councilmember Ray Perkins seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ADOPT RESOLUTION
NO. 201, SERIES 2010**

COMMITTEE REPORTS:

Councilmember Kay Ackerson – Public Works Committee – No Report.

Councilmember Bill Dieruf, Planning & Zoning Committee, requested clarification on the enforcement of Councilmember Ruckriegel’s previously passed Resolution to stop any amplified outdoor music during Gaslight Festival. Fred E. Fischer, City Attorney responded that the motion can be enforced through Louisville Metro’s Noise Ordinance or through the zoning restrictions and/or binding elements on commercial properties. Having second thoughts regarding this issue, Councilmember Dieruf made a motion to amend the previous Resolution made by Councilmember Daniel Ruckriegel to permit amplified outdoor music to continue until 12:00 A.M., instead of 11:00 P.M., during the Gaslight Festival, with discussion and consideration of this issue to be placed in Committee before next year. Councilmember Ray Perkins seconded the motion. A discussion followed. Councilmember Daniel Ruckriegel objected to the motion to amend his previous motion, which was passed by the Council, commenting that loud outdoor amplified music after 11:00 P.M. only contributes to an atmosphere of drinking, partying and disturbing the local residents. Councilmember Kay Ackerson commented that the Gaslight Festival should be a family event and is promoted as a family event; and, after 11:00 P.M., she agrees with Councilmember Ruckriegel that it’s no longer a family event but just a bunch of people drinking and listening to loud outdoor music. Councilmember Pam Ware commented that businesses should have been noticed about the restriction in time for the allowance of outdoor amplified music several months prior to the event. Councilmember Anita Johnson stressed that the Council should consider that a resident appeared before them earlier to voice her concerns with a request that the outdoor amplified music not be permitted after 11:00 P.M. in consideration of area residents; the Council voted in favor of this resident’s request and now, after she left the meeting with this understanding, the Council, is reversing its decision. Mayor Foreman requested Jim Leidgen, City Clerk, call the roll. The roll was called as follows:

**GASLIGHT FESTIVAL
AMPLIFIED
OUTDOOR MUSIC –
12:00 A.M.**

Bill Dieruf	Yes
Anita Johnson	No
Ray Perkins	Yes
Daniel Ruckriegel	No
Carol Pike	Yes

Pam Ware Yes
Kay Ackerson No

Jim Leidgen, City-Clerk, announced the seven votes as four (4) votes in favor of the motion and three (3) votes in opposition to the motion, whereupon the MOTION PASSED. Councilmember Dieruf will inform Ms. Javorka of the amended time permitted for amplified outdoor music during the Festival.

Councilmember Anita Johnson, Economic Development Committee, distributed a letter she has received from Tom and E. M. Higginbotham regarding garbage collection in the City of Jeffersontown. Councilmember Johnson read the letter complimenting RUMPKE's collection service into the record. Councilmember Johnson also announced the City's Clean n' Green event is scheduled for Saturday, September 25th at the Farmers' Market Pavilion from 9:30 A.M. to 12:00 Noon. In response to questions regarding the year-end figures for the Parks and Recreation Department maintenance, Mayor Foreman noted that these figures were the result of the reconstruction of the diving well at the Plainview Swim & Tennis Center to bring it into compliance with the requirements of the Health Department. Councilmember Johnson also verified through the City Attorney that the Governor's Office is to be notified by the City Clerk of the current vacant seat on the City Council.

**CLEAN N' GREEN;
CLARIFICATION OF
PARKS MAINTENANCE
BUDGET**

Councilmember Ray Perkins, Legislative Committee, requested clarification on the disposition of the Community Outreach funds which were not distributed from last year's budget. A discussion followed. Councilmember Perkins made a motion to place in the Parks and Recreation Committee a proposal to use the City's surplus to move forward with a Children's Spray Ground at Veterans Park. Councilmember Carol Pike seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**CHILDREN'S SPRAY
GROUND –
VETERANS PARK**

Councilmember Daniel Ruckriegel, Finance Committee, made a motion to approve an activity permit for St. Edward School for a 100th Project, Operation Support Peace Walk on October 23rd from 9:00 – 11:00 A.M. Councilmember Carol Pike seconded the motion. MOTION WAS UNANIMOUSLY CARRIED.

**ACTIVITY PERMIT:
ST. EDWARD WALK**

Councilmember Carol Pike – Parks & Recreation Committee – No Report.

Councilmember Pam Ware – Administrative Committee – No Report.

Mayor Foreman invited everyone to attend today's Business Appreciation at Skyview Park beginning at 11:00 A.M.

**BUSINESS
APPRECIATION**

Councilmember Daniel Ruckriegel made a motion to appoint Councilmember Carol Pike to fill Councilmember David Quinlan's vacated seat on the City Council effective October 12, 2010, move the Regular City Council Meeting from Monday, November 1st to Wednesday, November 3rd and, at that time, appoint the non-incumbent candidate receiving the highest vote in Tuesday's November 2nd Election to fill the remainder of the term of Councilmember

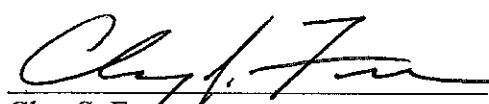
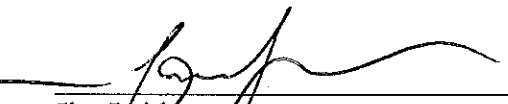
**APPOINTMENT TO
COUNCILMEMBER
DAVID QUINLAN'S
VACATED SEAT**

Pike's vacated seat. This would alleviate the Governor's appointment to the City Council; and, the candidate receiving the highest vote in the election will become a sworn Councilmember, in any event, on January 1, 2011. A discussion followed. Councilmember Bill Dieruf seconded the motion. Mayor Foreman requested Jim Leidgen, City Clerk, call the roll. The roll was called as follows:

Bill Dieruf	Yes
Carol Pike	Yes
Ray Perkins	Yes
Kay Ackerson	No
Pam Ware	Yes
Anita Johnson	No
Daniel Ruckriegel	Yes

Jim Leidgen, City-Clerk, announced the seven votes as five (5) votes in favor of the motion and two (2) votes in opposition to the motion, whereupon the MOTION PASSED.

There being no further business to come before the Council, Councilmember Bill Dieruf made a motion to adjourn. Councilmember Ray Perkins seconded the motion. MOTION WAS UNANIMOUSLY CARRIED. **ADJOURN**

	
Clay S. Foreman Mayor	Jim Leidgen Clerk-Treasurer