

October 10, 2006

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Curtis, and Cooper attending. Councilman Rueger was not present. Others attending were Attorney Funkhouser; Attorney Higgins; Supt. Gray; Comm. Epison; Sgt. Allyn; Acting Fire Chief Reese; Paula Rudibaugh; Tony Funk; Walt Angermeier; Larry Williams; and arriving during the meeting, Tiffani Eisenhut - Mount Vernon Democrat.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Cooper moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Board should approach the podium and state their name and the nature of their business.

Mayor Knowles requested action on the claims presented.

Councilwoman Askren moved the claims presented be allowed for payment. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Mayor Knowles stated they will now hear the report of the Water Superintendent.

Supt. Gray began his report by stating at the last meeting bids were opened for coating the storage tank behind the water office, and there was only one responsive bidder, C T Phoenix. He added Phoenix is offering a 10 year guarantee on the plastic coating they will be applying.

Councilman Cooper asked if the cost was \$22,500.00 ?

Supt. Gray replied yes, and is cheaper than having the tank painted, plus again, there is a guarantee on the plastic. He reminded the Board the tank is the white ground storage tank behind the office.

Councilman Cooper moved Supt. Gray go forward with the coating, using C T Phoenix. Seconded by Councilman Curtis.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Supt. Gray continued his report by stating by stating in the last audit, State Board of Accounts indicated the water utility lacks a good asset inventory. He added their “day to day” inventory is in good shape, but not the building and infrastructure inventory that would make them GASB 34 compliant. He added he would like to look into hiring London Witte to perform the GASB 34 for them, to get them compliant with the state.

Mayor Knowles added London Witte did this for the wastewater treatment plant so hopefully through that work they would not have to gather as much data this time around. She then stated London Witte’s contract was not to exceed \$5,000.00 for that service, and they did extensive work.

Councilman Cooper asked that Supt. Gray get a quote before proceeding.

Supt. Gray then stated they have received an agreed order from the state, a faxed copy actually, stating the city has to have a licensed operator on duty 24 hours per day 7 days per week for the next year. He added if the city does not comply they will be fined for every day they are out of compliance. He stated he currently has four certified operators, including himself and the stated is wanting this guarantee is writing.

Attorney Higgins stated she and Supt. Gray have spoken about the agreed order and they feel it should be contested in writing.

Councilman Curtis stated with three shifts and only four operators, for 24 hours a day 7 days a week, there is no way only four people can do that.

Mayor Knowles stated she suggests that Bose McKinney and Evans be contacted, as when the wastewater treatment plant had an agreed order, the state would not communicate with the city, and that was on a Friday. She added after speaking with Mr. Janak the next Monday, all that changed, they were willing to communicate.

Attorney Higgins stated she suggest they try to establish a dialog with the state and let them know them know they can not comply with this, but here are the strides the city has already made.

Councilman Curtis again stated four people can not do that for a year and the can not agree to it, they would end up paying a fine half the time.

Mayor Knowles agreed they could try a dialog, but that state is being ridiculous.

Supt. Gray added the state is being very difficult.

Councilman Tucker asked if there are plans to get a fifth person certified ?

Supt. Gray replied yes, Mr. Pittman will take the test in November, hopefully he will pass. He then stated they would have to hire one to two more people to be compliant.

Councilman Cooper stated they should not sign anything if they can not guarantee they will be in compliance.

Supt. Gray agreed and added the city can not meet the terms of the agreed order. He added the water department has made great strides, but the state just doesn't care.

Councilman Tucker suggested Attorney Higgins and Supt. Gray try to open the lines of communication.

Attorney Higgins stated she has no history with the gentleman from IDEM but she can try to contract him, possibly have a conference call with Supt. Gray, and inform him that the city can not abide by the terms of the agreed order, and ask what the city can do in the meantime.

Councilman Curtis again stated they need two more people at least, and a timetable for doing that, then feel the state out.

Attorney Higgins asked what is the goal for certified operators on the payroll ?

Supt. Gray replied he would like to have four, besides himself.

Mayor Knowles stated a conference call may be worth a try.

Attorney Higgins stated she and Supt. Gray will try to get on a conference call with IDEM tomorrow or Thursday.

Supt. Gray replied the state is wanting an answer right away.

Attorney Funkhouser asked what happens if the city does not respond right away ?

Attorney Higgins replied the state would proceed with enforcement and fines. She stated they can do the conference call and follow up in writing.

Councilman Curtis stated that sounds good, and the city will be replying in a timely manner.

Mayor Knowles asked if there were any questions ?

Councilman Tucker questioned the study that Johnson Controls is going to be doing on increasing the water revenues, etc. He stated he has seen no paperwork concerning payments, etc.

Supt. Gray replied JC is paying for all of the study now, and if the city does they things that JC recommends, that cost will become part of the project; if someone else does the recommended work, it will cost the city \$75,000.00. He then stated JC will be at the next meeting on the 23rd to report back to the Board.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles asked if the Financial report was ready ?

Clerk-Treasurer Wolfe replied she has not seen it yet.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles asked if anyone in the Audience wished to address the Board ?

Walt Angermeier approached the podium and stated he would like to request and adjustment on a leak he had at the Mount Vernon Home Center. He added it was fixed in August, he had the paperwork at the office, but then it burned up in the fire. He stated he is asking for a four month adjustment, June - September.

Supt. Gray stated this is for the Home Center itself, and he has seen no paperwork, it did burn up.

Councilman Cooper asked if this is the same leak that he had an adjustment on earlier ?

Supt. Gray replied no, that was for the little houses down from the Home Center. He then stated he has not had a chance to look at the figures, but Ms. Morrow will take a 12 month average to obtain a history.

Mr. Angermeier again stated this actually a four month adjustment.

Mayor Knowles replied everyone does know there was the fire on Labor Day.

Supt. Gray stated Ms. Morrow can figure what the bills should have been.

Attorney Higgins asked if the leak is repaired.

Mr. Angermeier replied yes, it is.

Councilman Cooper stated Supt. Gray can look at the average and come up with a figure, he has no problem with the adjustment.

Councilman Curtis agreed he has no problem either, take a 12 month average.

Board consented to the adjustment.

Mayor Knowles asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

There was none.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilwoman Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer

October 10, 2006

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Curtis, and Cooper attending. Councilman Rueger was not present. Others attending were Attorney Funkhouser; Attorney Higgins; Supt. Gray; Comm. Epison; Sgt. Allyn; Acting Fire Chief Reese; Paula Rudibaugh; Tony Funk; Walt Angermeier; Larry Williams; and Tiffani Eisenhut - Mount Vernon Democrat.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their

reading and to approve the minutes presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name and the nature of their business.

Mayor Knowles stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Curtis stated he has no report.

Comm. Epison stated he would like to make a public announcement - the first frost of the season will be tomorrow night and after that, the leaves will fall. He stated leaf collection will begin on Monday, October 16. He then stated over the weekend the street department will be doing some work on Main between 3rd and 4th and he would like the Council to check it out, as after work is complete, a four-way stop may be needed at 3rd and Main.

Mayor Knowles stated this is the beginning of the diagonal parking they had discussed a few years back - only between 3rd and 4th Streets.

Attorney Funkhouser added the work was tabled earlier because of the downtown study that was being done.

Mayor Knowles agreed and added once the study was done, diagonal parking was labeled a “perceived” problem, not a real one. She added the downtown businesses are asking for this change in parking, and as a result, a four-way stop may indeed to be added at 3rd and Main, though it may not be necessary.

Comm. Epison added this is the work that will be done over the weekend. He then stated all of the parking meters are housed up, now what ?

Mayor Knowles replied they could look into auctioning them.

Attorney Funkhouser stated they can dispose of them by public auction or public sale or bids.

Mayor Knowles added some people want a specific meter.

Councilman Cooper stated an auction is fine.

Mayor Knowles stated that is really a Board of Works issue.

Councilman Cooper stated it really does not matter to him, though he would like to know what ends up being done.

Mayor Knowles asked if there were any questions ?

Councilman Cooper stated the road in front of the water works is caving again, why ? He added that street has been dug up many times, why is this still an issue ?

Supt. Gray replied the sewer clay tile is leaking, and it is a sanitary sewer problem - the hole is enormous.

Mayor Knowles added this hole has been fixed once.

Supt. Gray agreed, and added it is infiltration.

Mayor Knowles asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Sgt. Angel stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairman Tucker stated he has no report.

Acting Fire Chief Reese stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Sewer Chairman Rueger was not present.

Mayor Knowles asked if there were any questions ?

Councilman Tucker stated in reference to the CSO/SSO long going issue, he understands Wessler was contracted to do the work, he wondered if the Council could be kept up to date on that ?

Mayor Knowles replied all of that is in the Board of Works minutes.

Councilman Tucker added he also understands there will be \$350,000 in soft costs.

Mayor Knowles replied that is correct and added they have known about this for some time. She continued by stating the Long Term Control Plan was never approved by the state, it was a huge ordeal. She added the LTCP had to be redone because, according to the state, there was not sufficient data gathered. She added they also have to spend \$118,000 for flow monitoring that the city could do themselves, but the state will not allow it. She added it is very costly.

Councilman Tucker stated the city has no choice, he realizes that, he would just like to be kept up to date.

Mayor Knowles replied that he could always come to the Board of Works meetings anytime; and the Council always gets copies of the Board of Works minutes, though she will be happy to answer question anytime.

Councilman Tucker stating they are going to be spending major bucks here, may need a new rate increase.....

Mayor Knowles replied time will tell.

Councilman Tucker stated again, he would just like some information from time to time.

Mayor Knowles replied they get the minutes, that is a play by play of everything that goes on the meetings. She then stated Clerk-Treasurer Wolfe does a great job and goes to great lengths on the minutes, probably more than most other clerk-treasurer's in the state. She then asked if there were any other questions ?

There were none.

Mayor Knowles stated they have the Financial Report for September before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe stated she and Mayor Knowles will be at the Hovey House at 11:00 a.m. tomorrow for the Budget Hearing with the DLGF, she invited any interested parties to attend.

Mayor Knowles stated the first item on the Legal portion of the Agenda is the first reading of the proposed Ordinance Concerning the Construction of Additions and Improvements to the Sewage Works of the City of Mount Vernon, Indiana, the Issuance of Revenue Bonds to Provide the Preliminary Cost Thereof, the Collection, Segregation and Distribution of the Revenues of said Sewage Works, the Safeguarding of the Interests of the Owners of said Revenue Bonds, other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith.

Attorney Higgins added these bonds are up to \$350,000, and for the sewer project only.

Attorney Funkhouser added he believes this bond ordinance is like the others they have passed, and only requires two readings.

Attorney Higgins stated the ordinance needed to be presented this evening and final adoption will be at the October 23rd meeting. She added she recommends a first reading tonight and then Council may review the Ordinance for final adoption on the 23rd.

Mayor Knowles stated she was under the impression the Council already had received this ordinance, she apologized for their not having a copy.

Councilwoman Askren moved the Ordinance pass first reading. Seconded by Councilman Cooper.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent.

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Mayor Knowles stated the next item is the first reading of the proposed Ordinance Establishing a Vehicle Seat Belt Policy for the City of Mt. Vernon, Indiana.

Attorney Higgins stated the ordinance applies to passenger vehicles and front seat passengers only. She added it appears the insurance carrier is wanting all employees wearing seat belts at all times, though this is just a recommendation from them.

Mayor Knowles stated she felt it was important to bring up because the city would be promoting the right kind of environment, for the Worker's Comp company, promoting a safe environment for the employees. She added she would rather the city be proactive than reactive.

Councilman Curtis stated this recommendation/ordinance does not effect the city's payment or fees they are charged. He added when this first came up, the fire department was concerned and needed to be made an exception, then the street department was worried about the guys in the packer truck having to take the belts off every block, as well as the guys on the back of the truck. He added it just got to be cumbersome. He also stated employees should be subject to the same laws as the public, exceptions are already there in the law. He added the city is addressing the insurance carrier's letter, it would just be impossible to enforce on a regular basis.

Attorney Higgins replied that is why she sent the state statute to the Council. She added if this ordinance is adopted, penalties would have to be integrated into each department's disciplinary actions, and she has classified this as a Minor Infraction.

Councilman Curtis stated that is taking action on the city's part.

Councilman Tucker added that if departments wanted to take this a step further, they could add disciplinary actions to the SOP.

Attorney Higgins asked what direction the Council would like to go in ? She also reminded Council that if a department added something to their SOP regarding this matter, it can be more restrictive than the state law, but not less restrictive.

Council agreed for Attorney Higgins to draft a new ordinance.

Mayor Knowles stated the next item for consideration is the second reading on the proposed Ordinance to Amend Schedule I. Stop Intersections of Chapter 74: Traffic Schedules of the Mt. Vernon Code of Ordinances.

Councilwoman Askren moved ordinance pass second reading. Seconded by Councilman Curtis.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follow:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Cooper moved the rules be suspended. Seconded by Councilwoman Askren.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilman Cooper moved the ordinance pass on final reading. Seconded by Councilwoman Askren.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 06-24.

Mayor Knowles stated next on the Agenda is the first reading on the proposed Ordinance Establishing Salaries for Elected Officials for the City of Mount Vernon for the Year Ending December 31, 2007.

Councilman Curtis moved said Ordinance pass on first reading. Seconded by Councilwoman Askren.

Mayor Knowles asked if there was any discussion ?

Councilman Tucker stated his point of view on the Mayor getting a \$3,000 raise is that all the other employees got a \$1,500 raise and that the Mayor should lead by example and refuse her raise. He then stated the economy is bad and gas prices are high; though he will not argue that the position needs a raised. He added the \$1,500 the employees got is a good raise.

Mayor Knowles agreed that is a good raise.

Councilman Tucker stated he will have to vote against this ordinance, and he would feel the same way if the position was very underpaid, though he admits it is not overpaid.

Mayor Knowles stated in other cities the size of Mt Vernon, the salaries for the Mayor are where they should be, the salary should be comparable to the position. She then asked if there was any other discussion ?

There was none.

Mayor Knowles then requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - no; Rueger - absent;

Curtis - yes; Cooper - yes.

Mayor Knowles stated the motion carried.

Mayor Knowles stated next on the Agenda is Abandoned Vehicle Statute Enforcement.

Attorney Funkhouser stated he sent a letter to the Council on this complicated issue. He added that when it comes to derby cars, former COE Maynard misspoke at the last meeting, he did received the ordinance and all associated paperwork, he conceded that he had received them.

Mayor Knowles added that Mr. Penn also gave him copies.

Attorney Funkhouser stated as he reads the statute, an inoperable demo car is considered an abandoned vehicle.

Mayor Knowles questioned the trailer - what if an inoperable demo car in on a trailer ?

Attorney Funkhouser replied the statute does not say, but his interpretation is that if a car meets the definition of an abandoned vehicle, it can not be placed on a trailer to avoid enforcement of the statute.

Councilman Tucker questioned “inoperable” - he was not aware that the vehicle in this situation was being questioned.

Mayor Knowles added he is thinking of a different vehicle. The statute refers also to cars being left on trailers that are partially dismantled.

Attorney Funkhouser stated in this case, it is reasonable for the city to go after these vehicles. He also stated that raceway vehicles did not take into consideration demo cars - and the Mayor and the Council have agreed to go after those vehicles.

Mayor Knowles stated having the vehicle towed off the trailer seemed to be the issue.

Councilman Tucker stated former COE Maynard should be commended for coming forward with his concerns, though he did not follow the proper steps in doing so. He added Mr. Maynard wanted to be sure he was proceeding properly.

Mayor Knowles stated Mr. Maynard told her after the last meeting that he was nervous and said things he shouldn't have said.

Councilman Tucker added this whole issue is not really a Council matter. He stated the Mayor sees to the day to day operations of the city, and once an ordinance is passed the issue is no longer a Council matter.

Mayor Knowles agreed and added it is really not even a Board of Works matter, it is really the concern of the Mayor, the Chief of Police, and the Code Enforcement Officer. She then stated Mr. Tony Funk is in the Audience and she believes he would like to address the Council, though he has been told this is not a Council issue.

Councilman Tucker stated he in no way wants to discourage someone from coming before the Council, but the Council's hands really are tied unless the ordinance is redone, there needs to be a happy medium here.

Mayor Knowles she agrees and added they have tried and everything they have tried has failed. She added her office has received several complaints on this one car, Mr. Funk's car.

Attorney Funkhouser stated sometimes there is no middle ground, but eventually a side has to be picked.

Mr. Funk approached the podium and stated he is not present to argue with anyone or waste anyone's time, but six months ago he came to a meeting about this same topic and he asked then about trailers.....no one seemed to know anything. He then stated he and

some friends looked the issue up on the internet and there it very clearly states that once something is put on a trailer it becomes cargo or freight.

Mayor Knowles asked if the code he is referring to the same one that was mentioned in the Democrat's editorial last week ?

Mr. Funk replied yes.

Attorney Funkhouser stated he looked that code up himself and it actually did not even refer to vehicles in the state of Indiana, and he had never read anything like that before.

Mr. Funk replied it must be a different code, there are many, many codes. He added that Officer Angel has been there, Rueger came the next night.....

Mayor Knowles replied if they came down, it had to be after 4:00 in the afternoon. She added the other problem for Mr. Funk is the residential parking ordinance.

Mr. Funk then passed around to the Council his residential parking permit.

Mayor Knowles replied that Mr. Funk told her earlier that he did not have that permit when his vehicle was towed. She added that looks to be a very old residential parking permit.

Mr. Funk replied he got it from Barb at the police department and she indicated that the permit was good from one vehicle to another.

Mayor Knowles added if the permit was there, it was not visible when the vehicle was towed.

Mr. Funk replied it was worn off from the sun. He added after his vehicle was towed he went to Mr. Maynard's house and was told that he resigned and was not sure why his vehicle was towed. He then stated he has the tow papers and as a result of the vehicle being towed he is out \$1800 to fix the transmission. He was also told that his vehicle was towed because it was more than 12" from the curb. He then asked how many other vehicles have been towed for this violation ?

Mayor Knowles then read the Indiana Code that had been referenced in the newspaper's editorial.

Attorney Funkhouser added that if this is accurate, he would like to know, he wants to know if he is misinterpreting a statute.

Mr. Funk then read another code to the Council that he had located on the internet. He then stated that the derby is not everyone's cup of tea, but it is large in Posey County, there needs to be a happy medium.

Mayor Knowles stated the calls that are coming in complaining are coming from the same neighborhood where Mr. Funk has his rent houses. She added Mr. Funk would not move the car even though it was parked in front of other people's homes. That is what causes the city grief, it is not legal to park there.

Mr. Funk interrupted by stating it is a public street and a licensed trailer.

Mayor Knowles replied they do not agree with that.

Mr. Funk asked how the Mayor expects the driver to get their derby cars to the track if not on a trailer ? He then stated he feels he is being harassed and discriminated against because he chose to speak out.

Attorney Funkhouser replied every law discriminates, though not in the legal sense.

Mr. Funk stated he called the Evansville Police Department and the gentleman he spoke with feels demo cars are raceway vehicles, in his eyes, because they can not be towed in a sling truck. He added it is illegal to tow a demo car that way.

Mayor Knowles asked if Mr. Funk lives in Vanderburgh County, why does he store his cars in Mt. Vernon, especially if is ok to do in Vanderburgh.

Mr. Funk replied that his address says Posey County.

Mayor Knowles added Mr. Funk lives here.

Mr. Funk replied sometimes.

Mayor Knowles stated Mr. Funk said, in her office, that he lives in Evansville.

Mr. Funk replied it is a convenience thing. A derby race is demanding, he just wants to run home and sit in a chair and drink iced tea afterwards. He added his car had not been parked for 13 hours when it was towed. He also stated he tends to shuffle cars around constantly. He added the paperwork was also incorrect on the two papers, it had the wrong code violation listed.

Mayor Knowles replied that was a human error, it can be corrected.

Mr. Funk stated he is being singled out because he spoke up at a meeting.

Mayor Knowles replied that is not so, he was parked in a residential area, though the officer on duty at the time may not have known that.

Mr. Funk added Mr. Maynard needs to be here in his defense. He then stated Mr. Maynard told him the reason he resigned was because to enforce this code he did not feel was right.

Attorney Higgins stated the Council has heard concerns on this ordinance, which strictly repeats and adopts the state law. She wondered if Council wants to pursue any amendments, now that they have heard both sides ?

Attorney Funkhouser stated even if the Council would repeal the entire ordinance it would not change this issue. He added it is a Board of Works issue, and Mr. Funk can feel free to speak to him at his office or the Mayor at anytime.

Attorney Higgins stated the Council just does not have any authority in this matter. She then stated she does not want Mr. Funk to leave here with a feeling that no one is willing to help him, the Council is just not the correct venue.

Mr. Funk asked if he could get the city to refund his \$110 towing fee ?

Attorney Funkhouser replied that only the Mayor and the Board of Works would have authority to do that.

Councilman Tucker asked why Mr. Funk's car was towed ?

Mayor Knowles replied actually because of both issues, and the safety issue and violation of the residential parking ordinance.

Councilman Tucker replied the residential parking ordinance is an old ordinance, many folks that live in that area may not even be aware of it.

Mayor Knowles stated they have discussed options with Mr. Funk many times.

Attorney Funkhouser added that on September 18th he sent the Council a detailed letter of his interpretation of the code. He added Mr. Funk's lawyer may have a different interpretation.

Mr. Funk asked if Attorney Funkhouser is basically saying that a derby car is an abandoned vehicle ?

Attorney Funkhouser replied yes.

Mayor Knowles agreed, especially if a car on a trailer is not able to be licensed and registered.

Mr. Funk then stated again, he feels this is harassment and discrimination. He added his truck and trailer was parked down there for five days and three different officers came down there and did nothing, obviously they were enforcing the code in a different way. He also stated there had been a Bobcat parked on the street with a load of shingles on it, why was that gentleman warned to move that and he was not warned to move his?

Mayor Knowles replied because her office got numerous complaints on his.

Mr. Funk stated this should have been nipped in the bud in the beginning.

Attorney Funkhouser added Board of Works should handle this.

Mayor Knowles asked if there were any other questions ?

There were none.

Mayor Knowles stated next on the Agenda is discussion of the city curfew.

Attorney Funkhouser stated the city already follows the state statute on this, and he does not feel they can adopt a new one.

Mayor Knowles stated Councilman Rueger originally brought this up.

Attorney Higgins asked for any action ?

Council decided to table until Councilman Rueger can be present.

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

Councilman Tucker stated he has been talking with Mrs. Peerman about some street lights that are out in his district and they are still not fixed.

Mayor Knowles added she believes the one on Sherman Street has more wrong with it than just the bulb being out.

Councilman Tucker added Mrs. Peerman has done a very good job and been very helpful just nothing is getting done. He stated the other light is at 5th and Byrd Streets.

Mayor Knowles stated Mrs. Peerman called on one of these the other day.

Councilman Tucker stated the city pays for those lights, they should work or the city should get a refund.

Mayor Knowles stated she will call Vectren tomorrow and see what she can find out.

Mayor Knowles stated, also under Old Business, the Belle of Louisville will bring the Spirit of Jefferson to the city's riverfront on November 5 for three cruises. She hopes this will be a big success and the city will be placed on their regular schedule.

Mayor Knowles stated under New Business, Clerk-Treasurer Wolfe sent a letter to employees reminding them about sell back of vacations. Anyone wanting to sell back their vacation should have a letter into her office by November 1.

Mayor Knowles then stated there will be a free Shred Day on October 20 from 10:00 a.m. to 2:00 p.m. at the CVS parking lot. A great opportunity to shred 100 pounds of sensitive documents for free.

Mayor Knowles stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Tucker stated he has no report.

3rd District Councilman Rueger was not present.

4th District Councilman Curtis stated he has no report.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Cooper moved the meeting be adjourned. Seconded by Councilman Tucker.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer