



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Tentative Government Oversight and Audit Committee

Chair Person Brent Ackerson (D-26)
Vice Chair Anthony Piagentini (R-19)
Committee Member Barbara Sexton Smith (D-4)
Committee Member Donna Purvis (D-5)
Committee Member Brandon Coan (D-8)
Committee Member Bill Hollander (D-9)
Committee Member Kevin Kramer (R-11)
Committee Member Rick Blackwell (D-12)
Committee Member Cindi Fowler (D-14)
Committee Member Stuart Benson (R-20)
Committee Member Madonna Flood (D-24)

Tuesday, February 25, 2020

5:00 PM

Council Chambers

Call to Order

Chair Person Ackerson called the meeting to order at 5:03 p.m.

Roll Call

Chair Person Ackerson introduced the Committee Members present and a quorum was established.

Committee Member Sexton Smith arrived at 5:05 p.m.

Committee Member Fowler arrived at 5:06 p.m. and departed at 5:36 p.m.

Committee Member Coan departed at 5:55 p.m.

Present: 10 - Chair Person Brent Ackerson (D-26), Vice Chair Anthony Piagentini (R-19), Committee Member Barbara Sexton Smith (D-4), Committee Member Donna L. Purvis (D-5), Committee Member Brandon Coan (D-8), Committee Member Bill Hollander (D-9), Committee Member Kevin Kramer (R-11), Committee Member Rick Blackwell (D-12), Committee Member Cindi Fowler (D-14), and Committee Member Madonna Flood (D-24)

Excused: 1 - Committee Member Stuart Benson (R-20)

Support Staff

Hollie Hopkins, Jefferson County Attorney's Office
Jeff Derouen, Jefferson County Attorney's Office

Clerk(s)

Lisa Franklin Gray, Assistant Clerk

Pending Legislation

1. RP022520AC

REAPPOINTMENT OF AARON COLE TO THE CODE ENFORCEMENT BOARD. TERM EXPIRES FEBRUARY 9, 2023

Attachments: APT Code Enforcement Board 02.20.20.pdf

Aaron Cole 02.17.20.pdf

Applicants for Board - Code Enforcement Board 02.17.20.pdf

Current Board - Code Enforcement Board 02.17.20.pdf

**A motion was made by Vice Chair Piagentini, seconded by Committee
Member Sexton Smith, that this Appointment be recommended for approval.**

**The motion carried by a voice vote and the Appointment was sent to the
Consent Calendar.**

2. RP022520JK

**REAPPOINTMENT OF JEREMY KIRKHAM TO THE CODE ENFORCEMENT BOARD.
TERM EXPIRES FEBRUARY 9, 2023**

Attachments: [APT Code Enforcement Board 02.20.20.pdf](#)

[Jeremy Kirkham 02.17.20.pdf](#)

[Applicants for Board 2 - Code Enforcement Board 02.17.20.pdf](#)

[Current Board - Code Enforcement Board 02.17.20.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Sexton Smith, that this Reappointment be recommended for approval.

Jeremy Kirkham, Appointee, was present and spoke to the item.

Vice Chair Piagentini asked Jeremy Kirkham to detail his experience and qualifications for the Code Enforcement Board. He also asked for a detail of what Mr. Kirkham has learned while serving and areas of improvement for the Board, etc.

Jeremy Kirkham stated that he has been an appointee to the Code Enforcement Board for four years and Board Chair for three years. He stated that an area of emphasis is to consider is the continuing to offer quality legal advice to the Code Enforcement Board and staff. He further stated that the Code Enforcement Board has excellent legal representation and he has personally received qualifications by the Kentucky Attorney General's Office as a Hearing Officer to hear cases under Kentucky Revised Statutes (KRS) 13 (b). He further stated that while he does not hear Code Enforcement cases, he receives continuing legal education. He stated that, if offered, continuing legal education would be beneficial to Board and/or Hearing Officers, as well as, the community they serve.

Vice Chair Piagentini asked if the Legal Halfway House falls under the purview of the Code Enforcement Board.

Jeremy Kirkham responded stating that those regulations may be covered under a fairly new law, such as Orders to Vacate or Public Nuisance law.

Vice Chair Piagentini stated he wanted to highlight the topic as an issue, not necessarily in his district, but in some other colleague's districts. He stated it was a pervasive issue across the City and stated every emphasis should be made on cleaning these type of instances up.

Jeremy Kirkham responded stating that though the Code Enforcement Board has an enforcement mandate, in addition to the Board's separate legal mandate, it does not have operational control with Code Enforcement. He stated that the matter should be specifically addressed with Code Enforcement supervisors.

Committee Member Sexton Smith asked how much time is allocated for this volunteer service.

Jeremy Kirkham replied stating that there is a statutorily mandated monthly Code Enforcement Board meeting. He stated that he also serves as a Hearing Officer for the Property Maintenance Docket. He further detailed the time initially dedicated to reviewing docket cases reach could range from 65-75 cases, which at the time, required 40 hours of review. He further stated that as the docket has evolved to a more manageable level, it still requires approximately 20 hours per week of volunteer time for review.

Committee Member Sexton Smith thanked Mr. Kirkham for his service. She stated she had a couple of questions about the appointments attachments regarding the categories that are provided to the committee, specifically, ethnicity.

Chair Person Ackerson asked if Committee Member Sexton Smith's questions were directed to him or Althea Jackson. He also thanked Mr. Kirkham for his community service.

Committee Member Sexton Smith stated her question is for Ms. Jackson. She stated that for some appointees, ethnicity is not indicated. She asked why this may be the case.

Althea Jackson, Mayor's Office, and Committee Member Sexton Smith discussed several applicants on the Applicant for Board listing and the information provided in each section of the listing. Committee Member Sexton Smith asked why information might be provided in a section of one listing, but not on another. Ms. Jackson stated the roster that Committee Members receive is circulated by the Clerk's Office. She stated the Metro Council Clerk's Office creates the report and would be best to answer the question. Committee Member Sexton Smith asked if Ms. Jackson creates the applicant report. Ms. Jackson stated that she provides the Mayor's appointee letter and a map. She stated that the Metro Council Clerk's Office creates a roster of applicants who have applied and the current board members.

Committee Member Sexton Smith stated to Chair Person Ackerson that while the Current Board attachment does not show diversity on the board, the Applicants for Board attachment does.

Chair Person Ackerson restated Committee Member Sexton Smith's statement to clarify her statement and she agreed with his assessment.

The motion carried by a voice vote and the Reappointment was sent to the Consent Calendar.

3. AP022520TK

APPOINTMENT OF TIERRA KAVANAUGH WAYNE TO THE TARC BOARD. TERM EXPIRES JUNE 30, 2020

Attachments: [APT TARC Board 02.20.20.pdf](#)

[Tierra Kavanaugh Wayne 02.17.20.pdf](#)

[Applicants for Board - Transit Authority of River City Board \(TARC\) 02.17.20.pdf](#)

[Current Board - Transit Authority of River City Board \(TARC\) 02.17.20.pdf](#)

A motion was made by Committee Member Sexton Smith, seconded by Vice Chair Piagentini, that this Appointment be recommended for approval.

Vice Chair Piagentini asked Althea Jackson, Mayor's Office, to speak to the appointee's qualifications for appointment.

Althea Jackson, Mayor's Office, stated that the appointee is replacing an appointee that has resigned. She stated that the appointee has vast experience in human resources, as a talent connector, and workforce management and minority contracting. She further stated that this applicant was chosen to restore political balance on the Board.

Committee Member Sexton Smith asked the name of the appointee that resigned. Althea Jackson stated Mary Margaret Mulvihill had resigned her appointment.

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

4. AP022520SB

APPOINTMENT OF SHARON BAKER TO THE DEPUTY SHERIFF MERIT BOARD. TERM EXPIRES JUNE 13, 2021

Attachments: [APT Deputy Sheriff Merit Board 02.20.20.pdf](#)

[Sharon Baker 02.17.20.pdf](#)

[Applicants for Board - Deputy Sheriff Merit Board 02.17.20.pdf](#)

[Current Board - Deputy Sheriff Merit Board 02.17.20.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Fowler, that this Appointment be recommended for approval.

Vice Chair Piagentini asked Althea Jackson, Mayor's Office, to speak to the appointee's qualifications for appointment.

Althea Jackson, Mayor's Office, stated that the appointee has experience in dispute mediation, negotiation, and employee relations, which is the aim of the Board.

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

5. AP022520JG

APPOINTMENT OF JERILAN GREENE TO THE WATERFRONT DEVELOPMENT CORPORATION BOARD. TERM EXPIRES JULY 31, 2022

Attachments: APT Waterfront Development Corp. Board 02.20.20.pdf

Jerilan Greene 02.17.20.pdf

Applicants for Waterfront Development Corporation Board 02.17.20.pdf

Current Waterfront Development Corporation Board 02.17.20.pdf

A motion was made by Committee Member Sexton Smith, seconded by Committee Member Fowler, that this Appointment be recommended for approval.

Vice Chair Piagentini asked Althea Jackson, Mayor's Office, to speak to the appointee's qualifications for appointment.

Althea Jackson, Mayor's Office, stated the appointee has strategic communication skills from her former and current roles. She stated that the appointee is actively in the community. She further stated the goal of this appointment was to balance ethnicity on the Board. She stated the appointee's skills are ideal for this Board.

Committee Member Sexton Smith gave remarks on the character, dedication, and community service of the appointee from previous interactions.

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

6. AP022520LS

APPOINTMENT OF LORI STAHLGREN TO THE LANDMARKS AND PRESERVATION DISTRICTS COMMISSION. TERM EXPIRES NOVEMBER 30, 2022

Attachments: APT Landmarks and Preservation Districts Commission 02.20.20.pdf

Lori Stahlgren 02.17.20.pdf

Applicants for Board - Landmarks and Preservation Districts

Commission 02.17.20.pdf

Current Board - Landmarks Commission 02.17.20.pdf

A motion was made by Committee Member Sexton Smith, seconded by Committee Member Fowler, that this Appointment be recommended for approval.

Vice Chair Piagentini asked Althea Jackson, Mayor's Office, to speak to the appointee's qualifications for appointment.

Althea Jackson, Mayor's Office, stated that the appointee is replacing the outgoing archaeologist on the Commission.

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

7. AP022520MS

**APPOINTMENT OF MICHAEL SEALE TO THE BOARD OF ZONING ADJUSTMENT.
TERM EXPIRES JUNE 30, 2021**

Attachments: [APT Board of Zoning Adjustment 02.20.20.pdf](#)

[Applicants for Board of Zoning Adjustment 02.17.20.pdf](#)

[Current - Board of Zoning Adjustment 02.17.20.pdf](#)

[Michael Seale 02.17.20.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Sexton Smith, that this Appointment be recommended for approval.

Michael Seale, Appointee, detailed his qualifications and experience for the appointment. He remarked on his community and family ties to the City. He further stated that he is retired and previously oversaw the Louisville Naval Ordinance station. He stated he continues to volunteer in the community on both neighborhood and homeowner associations.

Chair Person Ackerson thanked the appointee for his community commitment and service.

Vice Chair Piagentini asked Mr. Seale why he had applied for this Board. He also asked if he would give an overview of the Board and its importance to the City.

Michael Seale stated that he had no previous experience with the Board, but had recently watched its videos. He stated that several months prior, it was suggested that his experience and skill set would be an asset to the Board. He stated that his engineering background and training would be helpful for the Board.

Vice Chair Piagentini stated that he hopes similar discussions with appointees become more common going forward.

****There is a technical correction to this item changing the term expiration date from June 30, 2020 to June 30, 2021.**

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

8. AP022520GD

**APPOINTMENT OF GREG DEARING TO THE WATER WORKS BOARD. TERM
EXPIRES APRIL 30, 2023**

Attachments: APT Water Works Board 2.20.20.pdf

Greg Dearing 02.17.20.pdf

Applicants for Board - Water Works Board 02.17.20.pdf

Current Board - Water Works Board 02.17.20.pdf

A motion was made by Committee Member Sexton Smith, seconded by Vice Chair Piagentini, that this Appointment be recommended for approval.

Greg Dearing, Appointee, spoke to the item stating that he looks forward to serving on the Board. He stated that he has served on several other Boards in the community, such as the State Pension Board. He further stated that he does have a background in finances and looks forward to serving.

Committee Member Purvis stated that she has a perceived conflict of interest and would abstain from voting.

The motion carried by the following vote and the Appointment was sent to Old Business to record Committee Member Purvis' abstention:

Yes: 9 - Ackerson, Piagentini, Sexton Smith, Coan, Hollander, Kramer, Blackwell, Fowler, and Flood

Excused: 1 - Benson

Abstain: 1 - Purvis

9. AP022520WS

APPOINTMENT OF WILLIAM SUMMERS IV TO THE WATER WORKS BOARD. TERM EXPIRES APRIL 30, 2021

Attachments: [APT Water Works Board 2.20.20.pdf](#)

[William Summers IV 02.17.20.pdf](#)

[Applicants for Board - Water Works Board \(2\) 02.17.20.pdf](#)

[Current Board - Water Works Board 02.17.20.pdf](#)

A motion was made by Committee Member Flood, seconded by Committee Member Fowler, that this Appointment be recommended for approval.

Vice Chair Piagentini asked Althea Jackson, Mayor's Office, to speak to the appointee's qualifications for appointment.

Althea Jackson, Mayor's Office, stated that appointee has numerous years of experience working with Louisville Water Company, Metropolitan Sewer District, and Metro Public Works Department. She stated that the appointee was previously a Deputy Mayor and has a wealth of experience to contribute to Metro Louisville's goal of shared services between Louisville Water Company and Metropolitan Sewer District.

Vice Chair Piagentini asked if this appointee was replacing an outgoing appointee and if so, to please give the name of the outgoing appointee. Ms. Jackson confirmed Vice Chair Piagentini's assessment and stated that Tiarra Kavanaugh Wayne previously resigned from the Board. She stated this appointee would fill that vacancy.

Chair Person Ackerson stated that while Ms. Wayne had resigned from this Board in 2019, she had recently received an appointment for the TARC Board. Ms. Jackson confirmed his assessment.

Committee Member Purvis stated that she has a perceived conflict of interest and would abstain from voting.

The motion carried by the following vote and the Appointment was sent to Old Business to record Committee Member Purvis' abstention:

Yes: 9 - Ackerson, Piagentini, Sexton Smith, Coan, Hollander, Kramer, Blackwell, Fowler, and Flood

Excused: 1 - Benson

Abstain: 1 - Purvis

10. RP022520PE

**REAPPOINTMENT OF PAUL ESSELMAN TO THE WATER WORKS BOARD. TERM
EXPIRES APRIL 30, 2024**

Attachments: APT Water Works Board 2.20.20.pdf

Paul Esselman 02.17.20.pdf

Applicants for Board - Water Works Board (3) 02.17.20.pdf

Current Board - Water Works Board 02.17.20.pdf

A motion was made by Committee Member Sexton Smith, seconded by Vice Chair Piagentini, that this Reappointment be recommended for approval.

Paul Esselman, Appointee, detailed his qualifications and experience for the appointment. He stated that he has served on the Board for three years. He also stated that he has numerous years of experience at such companies as Humana and Mint Julep Experiences as Chief Financial Officer. He further stated that he is a Certified Public Accountant and has 40 years of financial management leadership experience. He stated that he is honored to serve on the Board and work with the Members and Staff that support the Board.

Committee Member Purvis stated that she has a perceived conflict of interest and would abstain from voting.

The motion carried by the following vote and the Reappointment was sent to Old Business to record Committee Member Purvis' abstention:

Yes: 9 - Ackerson, Piagentini, Sexton Smith, Coan, Hollander, Kramer, Blackwell, Fowler, and Flood

Excused: 1 - Benson

Abstain: 1 - Purvis

Special Discussion

11. ID 20-0296

Special Discussion: TARC Investigation As Authorized By The Metro Council

Chair Person Ackerson introduced Jonathan Ricketts, Attorney, and David Beyer, Investigator, that have been contracted by the Metro Council to conduct an investigation of TARC and recent allegations made. He stated that the speakers will detail their respective roles and the protocol of the committee going forward.

Jonathan Ricketts detailed his experience, qualifications, and role during the investigation. He stated that he has practiced law for 20 years and was previously a Navy Judge Advocate. He stated that he had previously advised the Metro Council on the Louisville Metro Police Department Explorer case and has served as Chair Person in a volunteer capacity to the Metro Ethics Commission. He stated that he has been contracted through the Jefferson County Attorney's Office to represent the Metro Council to avoid any conflict of interest in this investigation. He further stated that his role is as the legal advisor to the Council during the investigation as governed by both Metro Council Rules Chapter 4A and the Kentucky Revised Statutes Chapter 67C. He stated that his role in accordance with Resolution R-033-20 passed at the February 20 Metro Council meeting would be to advise David Buyer and the Committee during the investigation with any legal issues that may arise - specifically, requests for information that are not honored. He also stated he would advise the Committee as to its subpoena power in calling witnesses. He further stated the scope of the investigation will be related to the scope and intent of the Resolution.

David Beyer detailed his qualifications and role during this investigation. He stated that he is also an attorney. He stated that he is a retiree from the Federal Bureau of Investigations (FBI), and served as Assistant Police Chief in the City of St. Matthews. He agreed with Jonathan Ricketts' assessment of the scope and aim of the investigation as it relates to the Resolution. He also stated that as previously stated by Council Members that this is a very sensitive matter and that it is not the intent of this investigation to re-victimize victims. He further stated that he believed his FBI experience in handling similar sensitive matters equips him to handle confidential situations. He also stated that he would conduct a thorough investigation of the situation, as well as what practices and/or protocols are in place or should be in place to prevent future instances. He further stated that he will conduct this investigation without any preconceived notions or allegiances, as such, his role is to be an independent investigator. He stated that he will be sensitive to attorney-client privilege and conduct a very thorough, impartial independent investigation.

Vice Chair Piagentini asked Jonathan Ricketts to give an opinion on the procedures applicable to the Committee related to Open and/or Executive Session. He further stated his request relates to the discussion of sensitive information by the Committee captured during the investigation vis a' vis Open Meetings exceptions.

Jonathan Ricketts stated that unlike in criminal cases in which information is not made public until indictments are issued, the protocol in this investigation is different. He stated that as it relates to this investigation, if submitted requests for information are honored there is no need to bring the matter

before the Committee. He further stated that in the event that a request for information is not honored or denied, in accordance with Metro Council Rules, it would be necessary to bring that matter before the Committee for a majority vote to issue a subpoena. He then stated that if a matter were on the agenda for discussion and vote in the open Committee he is unaware of any exception pursuant to the Open Meetings Act that would permit that type of discussion being held in Executive Session. He further stated that he and David Beyer have discussed some potential issues relative to the Open Meetings Act and specific exemptions which may pertain which may permit the Committee to go into Executive Session to discuss certain aspects. He stated that while there are some exceptions that can be made in regard to Executive Session, until there is an actual controversy in place he would rather not go into the myriad of possibilities. He further stated that with regard to testimony, KRS Chapter 67 does permit the Committee to place people under oath, administer oaths, and require individuals to issue sworn testimony. He stated that a majority of the Committee would have to vote to administer that oath. He stated that he believed the best practice for the Committee going forward is to let David Beyer conduct his investigation and if he needs guidance he can return to the Committee at that time. He further stated that he would like to see the investigation driven by the integrity and credentials of the man hired and not compromised by political posturing.

Vice Chair Piagentini restated David Beyer's assessment of the scope and principle objective of the investigation and its aim going forward.

Committee Member Hollander asked about a joint investigators meeting to discuss coordinating investigations that Council President David James (D-6) had mentioned. He asked if David Beyer was involved in the meeting and stated that the coordination of investigations is very important. He stated that while there are multiple investigations that may not have the same focus, it would be a shame to repeat efforts and interview witnesses multiple times. He asked David Beyer if he had been in contact with the Administration's investigators.

David Beyer agreed with Committee Member Hollander's statement. He stated he does intend to work with the other investigators on this matter. He reiterated that the goal of the investigation is to get the facts via joint interviews or other practices.

Jonathan Ricketts stated that he and David Beyer have been invited to the joint meeting to coordinate investigations. He also stated that the intent of the investigation is not to duplicate efforts or efficiencies.

Committee Member Sexton Smith asked if Jonathan Ricketts and David Beyer were both attending the meeting and they acknowledged that they would. She stated that she is very focused on the vetting, hiring, and employee policies and practices at TARC. She then asked if the hiring practices at TARC are the same as Louisville Metro Government.

Jonathan Ricketts stated that they did not know if the policies were the same.

Committee Member Sexton Smith stated that she agreed with Vice Chair Piagentini in that defining success and the goal of the investigation is to find

out what procedures/structures are currently in place and where the break down came about. She further stated that if the policies are the same, a broad examination across agencies should take place and if not, a focused review should be given to TARC's policies. She then asked if part of the investigation will include review of TARC's hiring and vetting practices, as well as how these policies relate to the alleged individual in question.

Jonathan Ricketts answered Committee Member Sexton Smith stating yes, as this topic falls within the scope of the Resolution.

Chair Person Ackerson thanked Committee Member Hollander for his discovery that the Metro Ethics tipline is not accessible to quasi-agencies outside of Louisville Metro Government. He further stated that emails or correspondence received from Jonathan Ricketts and David Beyer may be designated confidential or attorney-client privilege and should not be forwarded or viewed by staff.

Committee Member Sexton Smith asked Jonathan Ricketts if interviews will be transcribed.

Jonathan Ricketts answered Committee Member Sexton Smith stating he would leave that decision to the discretion of the investigator and what his normal practice may be.

Chair Person Ackerson stated that David Beyer may follow up with Committee Member Sexton Smith as there may be some legalities he would like to review before responding.

Committee Member Sexton Smith remarked that her reference was in reference to redacted documents that the Committee had previously received in another investigation. She asked David Beyer to please forward her a response upon review. David Beyer stated he would follow up with her.

Committee Member Flood asked, in reference to emails, if Jonathan Ricketts and David Beyer would email the entire Metro Council or the Committee.

Jonathan Ricketts answered Committee Member Flood stating he did not anticipate any emails other than status updates on the investigation. He stated in an effort to be efficient, he would leave that decision to the Committee, whether communicating with the Chair Person, Committee Members, etc. He stated above all he wants to utilize efficiency during the investigation and in communicating.

Committee Member Flood asked if email would be used to communicate regarding the case. Jonathan Ricketts stated he did not think it wise to utilize emails for that type of communication. He further stated he would rather seek to return to the Committee upon completion of Jonathan Beyer's investigation or if guidance is needed.

Committee Member Sexton Smith remarked that an important part of the investigation for everyone is to manage expectations moving forward. She asked Jonathan Ricketts what a reasonable amount of time would be to return to the Committee. Jonathan Ricketts and Committee Member Sexton Smith

discussed a possible timeframe when the investigation may be completed. Jonathan Ricketts stated there are deadlines in David Beyer's contract that give some idea of a time frame, but may be reassessed if the investigation is not complete at that juncture.

Vice Chair Piagentini reiterated Jonathan Ricketts statement concerning the span of time for the investigation. He further stated that the investigation is being conducted by the Committee not the entire Metro Council, which is stated in the Metro Council Rules and Resolution.

Chair Person Ackerson thanked the presenters for their service.

12. ID 20-0297

Special Discussion: Federal Court Case Plea Agreements Entered on October 28, 2019 Concerning Police Overtime

Chair Person Ackerson addressed the Committee Members stating that the topic of the Louisville Metro Police Department overtime and overtime abuse stem from the recent Federal Court plea agreements. He stated that this future discussion's primary aim is to address the perceived pervasiveness and support from within the Louisville Metro Police Department to encourage and facilitate abuse of overtime. He stated that the Committee would invite the three officers convicted in this case to address the Committee. He restated that this endeavor is not to name names, but to gain a greater understanding of the current system.

Adjournment

Without objection, Chair Person Ackerson adjourned the meeting at 5:56 p.m.

***NOTE:** Items sent to the Consent Calendar will be heard before the full Council at the Metro Council Meeting on March 5, 2020.