

COUNCIL MEETING MINUTES OCTOBER 15, 2012

The regular scheduled meeting of the City Council, City of Audubon Park, was held on Monday, October 15, 2012, at 3340 Robin Road with the following present: Mayor Michael Scalise along with Council Members Cindy Habeeb, Rose Mangino, Gary Vogel, Al Huber, Judy Schwenker, and Patrick Kehoe. Also present were Police Chief Jeffrey Cox along with City Attorney Patrick McElhone. City Clerk Stephanie Lee and Assistant City Attorney Jonathan Leachman were absent from the meeting.

Call to Order: Mayor Scalise called the meeting to order at 7:30 P.M. followed by the Pledge of Allegiance.

Approval of the Minutes: Mayor Scalise asked if there were any corrections, additions, or deletions to the minutes from the previous month. Al Huber made motion to accept the minutes as presented. Judy Schwenker seconded, and the motion passed unanimously.

MSD Representative Speakers: Steve Tedder, Government Affairs Officer, and Brian Bingham, Director of Regulatory Services, were present to speak on behalf of MSD. Brian Bingham passed out information displays of the project they have going on in the area. He commented about his background in working with MSD and his going to school and living nearby to our area. He spoke about the work required by the State and Federal governments to reduce or eliminate overflows from the sewer systems. He said they were working on complying (trying not to raise rates too quickly), but he said they didn't do the work fast enough. He said they were sued to comply, and he said they came to an agreement with regards to repairing the systems. He said they have been working in Audubon for the past few years, and he said they are done with the big stuff unless things pop up or go wrong in the area. He said for the most part, they have mostly been lining the pipes and relocating or raising manholes in the area. He mentioned if residents have sump pumps connected to sewers, he said they currently have a program to assist in getting it changed out. He said he encourages people to participate in the program, and he said he doesn't know how much longer they will be offering it.

Judy Schwenker commented about knowing several people with sump pumps; and she asked if everything was draining properly, would sump pumps even be needed. She later specifically mentioned Cross Bill Road.

Brian Bingham continued by speaking about the typography of Louisville, MSD rates, groundwater, septic systems, requests to have areas reviewed (in regards to Judy Schwenker's drainage question), possible modifications at sale, property owners' responsibilities, the Camp Taylor area, pipe sizing, traffic and/or yard disruptions, costs, Nightingale, Illinois Avenue, pump stations, main pipe lines in the area, the partnership between MSD and the Louisville Water Company, etc.

Al Huber inquired about the holes in Oriole Park, and he was told they were fixed a couple of weeks ago.

Mayor Scalise thanked MSD for fixing the holes, and Brian Bingham said they will keep an eye on them.

Judy Schwenker inquired about the main pipeline that runs along Cardinal to Dove, and she said it has a stack with a stink to it. She was given a phone number to call (311), or she was also told she can go on-line at msdlouky.org to report the problem.

Rose Mangino inquired about sump pumps going into sewers, and she was told to call the 311 number as well to have someone come out to look at it.

Patrick Kehoe inquired as to if there is a program to help residents to obtain sump pumps if they don't have one in their basement already, and he was told it is entirely on the resident in that situation (other various things may qualify if they are hooked into the sewer). He also said he has called several times regarding traffic control (no signage, no flagmen, running through yards) when the contractors are working in the area, and he was told it will be looked into.

Al Huber inquired about a place in the road on Hess Lane at Audubon School, and he was told they will look into it because a plate should at least be over it.

Patrick Kehoe mentioned residents that have come to the meeting in the past regarding water getting onto their property and MSD's responsibility, and he was told they would like to send a representative out to discuss that. He later inquired about Mr. Bingham's number, and he was told to call 540-6145 (he later gave a number of 540-6422 for Mr. Bingham's Assistant) or to contact Steve Emly at 540-6509. He also was given the main number for MSD of 540-6000.

Mayor Scalise said the residents that had come to the meeting in the past have agreed to go to arbitration.

An unknown audience member questioned as to if they have plumbers for bids. He was told they have set limits; therefore, they should work with a plumber they have used in the past because they will be working in their home. Mr. Bingham also encouraged residents to call the Better Business Bureau, and he later added that people should not be charged for trying to obtain estimates.

An unknown audience member inquired as to when the work is scheduled to begin on Cross Bill, and she mentioned a letter she had received indicating the work should be completed by November 20th.

Mayor Scalise said there is storm water in that area, and he said they are scheduled to do a disconnect project there. He went on to add that an engineer had informed him they

were going to start the project in a few weeks. Mr. Bingham said it sounds like about a week worth of work.

An unknown audience member inquired about the Area 5 work possibly going over to Preston; and he was told no, it was not planned to go over there right now.

Mayor Scalise and the Council thanked Mr. Bingham and Steve Tedder for coming out.

Public Comments: The following is a list of people who spoke and a general summary of what they had to say:

1. Gene Stotz, 3330 Robin Road – reminded everyone of the Brightside “Community-Wide Cleanup” scheduled for Saturday, October 27th. He said they are having a check-in point on Audubon Parkway near the Preston entrance. He said they will be helping the community by cleaning up along Preston Highway, and he added the times are from 9 A.M. until Noon.
2. Cary Campbell, 1201 Valley Drive – mentioned he will be trying to have the concert that was planned for October 14th in Triangle Park on October 21st at 5:30 P.M. now (due to weather issues the previous weekend). He asked that everyone help in spreading the word. He also commented about the band he had scheduled to perform as well.

Financial Report: The information submitted on the Financial Report showed the figures through the month of September. Mayor Scalise commented about the Financial Report being for informational purposes only with the upcoming Audit; therefore, a vote was not taken at this time.

Police Report: Chief Cox read the Police Report for the month of September. A copy of the said report is made a part of these minutes.

Chief Cox apologized for his absence due to training last month, and he mentioned the upcoming Halloween detail he has planned. He said they will be having something on Audubon Parkway from 6:30 P.M. until approximately 8:00 P.M. (depending on how many goodies they have to give out). He commented about the information being in the Audubon Police Bulletin as well, and he touched on some brief information (sponsorship and possible email database) with regards to the Bulletin. He went on to discuss the statistics for the new Police Report for the Council, and he said he is shooting for January 1st to revamp the current information.

Patrick Kehoe inquired about putting the Police Report on the website.

Chief Cox said he is working on that along with the Audubon Police Bulletin.

Patrick Kehoe commented about reviewing the information, and he said he sees that one third to half of the crime activity listed is in Parkway Village. He inquired as to how

much the City receives from Parkway Village. He later said the Council should look at raising the rates for Parkway Village given the activity there.

Chief Cox said we receive funding from Parking Citations, legislative funding, towing, etc. in addition to the contract payments.

Mayor Scalise along with Gary Vogel said the fees have been raised over the years; and it was added that the City receives approximately \$55,000 for the contract plus the other items mentioned.

A discussion took place regarding Louisville Metro funding, grants, the Budget, towing fees, what is a part of the meeting, statistics, time involved, responses to questions, etc.

Patrick Kehoe inquired about a Police laptop that he said was located at Audubon Hospital, but he said is not there now (saying it was removed three months ago after being there for a year). He later said the State Police and FBI have been informed of it and are looking into it.

Chief Cox said he doesn't know anything about that. He went on to say it doesn't bother him if they are looking into it because this agency has some of the strongest policies and procedures in place making for a professional Police Department.

Mayor Scalise said he doesn't know anything about that either, and he said there is an office located there for the Police Officers to use.

Deputy Chief Jones said he has heard Councilman Kehoe say he's heard a lot of things, and he said there is not enough time here tonight to verify the truth of the questions he has. Additionally (at the request of Mayor Scalise), he mentioned speaking to the Kentucky State Police and the Department of Criminal Justice regarding the window tinting issue on the Police vehicles. He said he has been told it is not a local issue, but he said it is a state-wide issue because nearly every department in the State has excessive tinting for whatever reason. He said Police Departments are not exempt from the excessive tinting, but he said he was told legislators cannot anticipate everything (child safety seats, drugs, stolen property, etc. in Police vehicles) when they pass a law. He also commented about the information agreement regarding the MDTs and the necessary privacy involved. He gave Councilman Kehoe the Kentucky Attorney General's Office number of 1-866-524-3672 to contact if he needs further information or to make a complaint.

Gary Vogel said he thinks this is a waste of time, and he said it is ridiculous.

City Attorney Patrick McElhone reminded the Council that personnel issues are not publicly discussed with the Council. He said there is a procedure to follow, and he briefly explained the procedures with regards to rights and the possibility of lawsuits.

Forest Board Business: Gilbert Zinner passed out the Forest Board Report dated October 15, 2012 to the Mayor and Council for their review. He mentioned their planting 23 trees in the various parks, and he said they have planted 6 trees at residences in October so far. He mentioned Mike Burmester had taken it upon himself to plant trees, collect donations, and help with transportation along with the help of Anne Bobigian at the corner of Eagle Pass and Valley.

Unfinished Business: Rose Mangino said she had tried to do something at the last meeting, and she said she would like to make a motion to amend the Budget to eliminate the position of Code Enforcer at a savings of \$10,000. She said she would like to eliminate the \$10,000 added to the Budget of the Work's Department salaries for 2012-2013 at a savings of \$20,000 to the City annually.

Patrick McElhone went into an explanation of what can be done at this point as a sense of the Council (motions, seconds, amendments, ordinances, etc.).

Patrick Kehoe seconded the motion, and Al Huber called for the question and for the vote on the motion. Rose Mangino called for the point of order. Mayor Scalise explained the discussion period at this time, and it was said the call for the vote supersedes the point of order and discussion.

The vote was taken on the motion to eliminate the position with the motion not passing (Rose Mangino and Patrick Kehoe were for the motion).

New Business: Patrick Kehoe commented about having a resident approach him regarding having his tree removed from the easement. He said the Code Enforcement Officer reviewed it; he said the Mayor approved it; and he said the insurance information was sent to City Hall by the contractor. He said he thought the contractor unknowingly thought that was permission, and he said he cut the tree down while the resident was at work. He said the resident was fined \$150.00 because the contractor did not have enough insurance, and he asked the Mayor to explain the requirements.

Mayor Scalise explained the amounts required, and he inquired as to if the resident requested a Code Enforcement Board hearing.

Patrick Kehoe said the resident's wife is fed up and wants to move, and he said the resident is just going to pay the fine.

Mayor Scalise said he is sorry, and he said he doesn't think they should discuss individual cases like this. He said that if the resident wanted to appeal it, he had the opportunity to request a hearing to discuss it.

Patrick Kehoe asked if it can be put in the Newsletter regarding the requirements, and Mayor Scalise said it can be put in there.

Laura Kelty said she knows she is out of order, but she said she is confused (saying she thinks elected Council Members would discuss questions she has). She said she wants to know if she should go about it in a different way.

Mayor Scalise mentioned the “Public Comment Period”. He went on to add he doesn’t think individual residents should be discussed behind their back. He said people can call him any day of the week or contact the Council Members.

Patrick Kehoe said he submitted a plan with regards to roads, and he said he contacted Gohmann Asphalt for pricing. He mentioned the roads are in poor shape.

Gary Vogel said an expert with a company should look at the roads before it is determined they are in poor shape.

Mayor Scalise mentioned the three contactors he has had give him pricing as well with the pricing not being anywhere near the price Councilman Kehoe received. He said they will have to take a look at the Budget next time to look at the funding for the roads.

Patrick Kehoe inquired about a plan for the roads again, and he asked for a meeting to discuss the situation.

Mayor Scalise reiterated about the need to look at the Budget next time; and a short discussion took place regarding amending the Budget, the making of comments, having people meet to discuss the issue, and who can be included in the meeting.

Mayor’s Report: Mayor Scalise mentioned the garbage contract will be expiring in June of next year. He said there was a three year contract with a one year extension this last time. He said the contract will need to be in place for the tax bills. He said bids will be sent out along with an ad, and he said he wants the Council to look at it next month.

Al Huber made motion to adjourn the meeting. Judy Schwenker seconded, and the meeting was adjourned.

ATTESTED

APPROVED