

Council Meeting Minutes

February 16, 2016

The regularly scheduled meeting of the City Council of Audubon Park was held on Tuesday February 16, 2016 at 3340 Robin Road, with the following present: Mayor Dorn Crawford and Councilors Darrell Shelton, Nancy Zinner, Laura Stevens, Tony Williams, Drew Perkins and Joanne Bader. Also present were Chief of Police Douglas Sweeney, City Attorney Steve Emery, bookkeeper Susan Gordinier and City Clerk Janette Mercer.

Call to Order

Mayor Crawford called the meeting to order at 7:00 PM. He opened the floor for public comments.

Public Comments

District 10 Metro Council rep Pat Mulvihill wanted to thank Chief Sweeney for his time. Chief Sweeney spoke with Mr. Mulvihill and updated him on crimes happening in the 10th District. Mr. Mulvihill noted that Liquor World and a new hotel are moving in on Preston. He encouraged everyone to call his office for ideas for some new businesses to go into the buildings that are standing empty now. Mr. Mulvihill reported that he co-sponsored a Narcan training session at Eastern Parkway Baptist Church and it was successful, with about 80 plus people in attendance. He said his office was planning another training class, and would keep us informed in case residents in Audubon Park was interested. Mr. Mulvihill also invited everyone to attend "Chat with Pat" at Nord's Bakery on Saturday morning, 9:00 to 10:00.

Attorney's Remarks

Mr. Emery informed us that he has obtained the plats of Audubon Park for the purpose of determining rights of way. He did note that the plats are not going to give us what we need to determine the extent of the 'public way', or existing easements.

Mr. Emery was asked to give an estimated amount of time to complete the administrative work on the master recodification amendment. He anticipated about 80 plus hours. He estimated a legal summary would take about 8 hours and once the summary was completed, it could be used for the 1st and 2nd readings of the revised Code.

Mr. Emery noted that the rest of his comments would need to be in Executive Session provided by KRS 61.810(1)(c), for discussion of proposed or pending litigation against or on behalf of the city and KRS 61.810 (f) for discussions which might lead to the appointment, discipline, or dismissal of an individual employee. Mayor Crawford asked for a motion to move to an executive session. Darrell Shelton made the motion. Laura Stevens seconded, and the motion passed unanimously.

At the conclusion of the executive session, the Mayor called the meeting back to order and asked if we could return to public comments with Senator Morgan McGarvey arriving to address the group. There were no objections, and Senator McGarvey took the floor. Senator McGarvey noted that House Bill 55, regarding Home Rule had passed the House and has moved into the Senate. The proposed Noise Overlay District has not been heard by the House yet, and it must start in the House before it can move to the Senate. He reminded everyone that this is a budget year and that is taking up most of the time. There were comments made in reference to both of these bills. Mayor Crawford thanked the Senator for coming and updating the group.

Financial Report

Mayor Crawford presented the financial report and opened the floor for questions. Joanne Bader asked the City Clerk why the Insurance Business Tax line is low. The City Clerk answered the revenue reflected there are for collections in the early part January and most of the revenue was collected at the end of January and not deposited until February, so the February financial report should reflect more money and the City Clerk is sure we will get to the budgeted figure. Joanne Bader asked Chief Sweeney about the \$7,000 Homeland Security Grant. Chief replied the money available for that grant has dried up. Ms. Bader asked for an update on the City Hall improvement project. Mayor Crawford replied he has a meeting set with Steve Cullen, the building inspector, to go over a couple more bids and to hopefully make some decisions this week. The Mayor asked if there were any other questions, hearing none. He asked for a motion to accept the financial report. Joanne Bader made a motion to accept the report. Nancy Zinner seconded, and the motion passed unanimously. The financial report is included as part of these minutes.

Engineer's Report

Mayor Crawford reviewed the report and asked if there were any questions he could answer in the Engineer's absence. Laura Stevens wanted to know how the residents get new potholes reported. Mayor Crawford gave three options; one through the Mayor, two through the City Clerk and last, direct to the Engineer. The Mayor asked if there were any other questions; hearing none, the Mayor gave the floor to Chief Sweeney. The Engineer's report is included as part of these minutes.

Police Report

Chief Sweeney reviewed the police report. Chief Sweeney gave recognition to Major Mike Minniear for being selected to attend the FBI's National Academy for advance police training. There were 140 applicants from Kentucky, and they rank the applicants based on resume', physical fitness and an interview. Only 6 are selected per year, and Major Minniear was ranked number 1.

The Chief introduced Tim Snook, a new police officer, and gave a brief synopsis of Mr. Snook's career. The Mayor asked for a motion to confirm Mr. Snook's appointment. Joanne Bader made a motion to confirm his appointment. Nancy Zinner seconded, and the motion passed unanimously.

Chief Sweeney announced the promotion of Teddy Laun to sergeant. The Mayor executed the Oath of Office and promotion ceremony for Officer Laun.

The police report is included as part of these minutes.

Forest Board Report

The Mayor presented the Forest Board report and he opened the floor for comments or questions. Darrell Shelton asked where we stood on hiring a City Forester. Mayor Crawford replied that he and the Board were putting together the job description as well as the commitment letter. Nancy Zinner offered the Mayor a list of questions to cover with the Board about the City Forester. Tony Williams created an event on Facebook for volunteers to help spread mulch in Oriole Park on Saturday. The Forest Board report is included as part of these minutes.

Parks & Recreation Board Report

Amy Shelton presented the Parks and Recreation Board report. Ms. Shelton noted the opening event for the Dogwood Festival has been renamed Light Up Audubon. She also provided the date for Light Up Audubon and other planned City events. Light Up Audubon will be on April 15th; the Independence Day parade will be on July 2nd; community block party will be on August 6th; and Auktoberfest will be on October 1st. She noted that the Forest Board and the Parks and Recreation Board will work together on keeping the trees in the parks mulched to protect the roots of the trees. Ms. Shelton asked for volunteers to help with the mulching. She confirmed Mr. Williams' date for working in the park on Saturday, February 20, and the next scheduled work day of March 19th, to prepare Henderson Park for the Dogwood Festival.

Ms. Shelton also noted that the Parks and Rec Board has met with the City Engineer, and he has started the process for obtaining 3 bids for the masonry work on the columns at the entrances. Ms. Shelton covered the activities planned for Light Up Audubon and the changes from last year including start time at 5:00; possible third food truck; desserts; and allowing nature-based, family-friendly vendors. She discussed issues with obtaining the temporary alcohol licenses.

Darrell Shelton asked if there were plans to mitigate the dirt pile left from the former sinkhole in Henderson Park before Light Up Audubon. Ms. Shelton said it was her understanding that Jason, the Public Works person, would be handling that issue. The Parks and Recreation Board's report is included as part of these minutes.

Unfinished Business

Mayor Crawford presented January 19th meeting minutes for approval. Joanne Bader and Laura Stevens offered some editorial corrections. Joanne Bader made a motion to approve the minutes with the said corrections. Laura Stevens seconded, and the motion passed unanimously.

The Mayor called attention to the proposed *Ordinance Amending Permit Procedures of the Building Code*, already read twice at previous meetings. This amendment would provide for separate building permits and an overlay permits. The Mayor noted that the overlay permit is where the City Attorney and he, have a difference of opinion. There was extended discussion of whether state law requires individual review and approval of overlay permits for ordinary repairs. The City Attorney offered his opinion that the City must have an Overlay Ordinance in order to have the authority necessary to enforce the Building Code, Forest Board Code and Nuisance Code. But the "Amending Permit Procedure" ordinance should provide for an Overlay Permit using the exact language of KRS 82.660 (5) to conform to the statute. Mayor Crawford asked for a motion to amend the draft, section "B" Overlay Permit, to replace the current language with the language of KRS 82.660 (5). Darrell Shelton made a motion to amend the draft, section "B" Overlay Permit and adopt the proposed ordinance substituting language of KRS 82.660 (5). Laura Stevens seconded, and the motion passed unanimously. (Nancy Zinner absent from vote)

The Mayor then returned to the proposed *Ordinance Establishing an Overlay District Comprising the Audubon Park National Historic District*, also having had multiple previous readings. The Mayor asked for a motion to adopt this ordinance. Joanne Bader made a motion to adopt the ordinance. Darrell Shelton seconded the motion. Discussion included review of the role of the overlay in protecting the viability and enforceability of the City Code. With Darrell Shelton, Joanne Bader and Laura Stevens voting in favor, and Tony Williams and Drew Perkins abstaining, the motion passed unanimously.

Darrell Shelton reviewed the Fiscal Calendar, noting that several budget planning and development items should be further along. The Mayor agreed that standard procedures to implement the calendar are still a work in progress.

Mayor's Report

The Mayor recalled the Council's recent special meeting to review the waste management program. He invited further comments on the summary report of the survey taken to gauge community preferences and concerns. After several expressions of concern over details needed in drafting a new contract, the City Attorney noted that the contract should be drafted by the selected vendor, and only reviewed by the City for necessary content.

Public Comments

Pete Becker, 3105 Chickadee – Mr. Becker noted that he felt the Council has plenty of other things to address, other than if I'm painting my closets. He also felt that abstaining was not the proper thing to do.

Laura Kelty, 3242 Cross Bill – Ms. Kelty noted she felt that there was more effort put into the waste management survey than the overlay ordinance. She feels that the residents were told something different than what has come out, and that if they were properly informed, more residents would be present today at this meeting. Ms. Kelty asked who can introduce an ordinance. After several comments, the Mayor averred that under standard parliamentary procedure, an item of business is "introduced" when a motion is made – in our case, after a proposal has been read, when the Council can determine whether to consider its adoption. Ms. Kelty expressed her continuing concern with the overlay ordinance.

Linda Bogner, 1140 Audubon Pkwy – Ms. Bogner asked when the ordinance would be in effect. She expressed the need to educate the residents. Ms. Bogner asked the Mayor how he plans to inform the residents that they will need a permit for everything they do to their house. She also expressed her reservations on this ordinance. Ms. Bogner asked whether, once the ordinance goes into effect, if the residents are against it can be repealed.

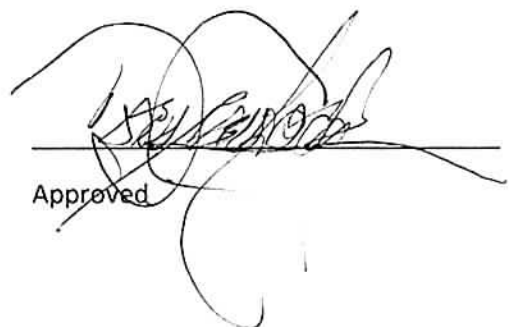
Drew Perkins made a motion to adjourn the meeting. Tony Williams seconded, and the motion passed unanimously.

The meeting adjourned at 11:10 PM.

The next meeting is scheduled for March 21, 2016



Attested



Approved