

Special Meeting Minutes

February 2, 2016

The City Council of Audubon Park held a special meeting, as provided by KRS 61.823 on Tuesday, February 2, 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 Officer Scott Sturgeon, City Attorney Steve Emery, and City Clerk Janette Mercer. The purpose of the meeting was to conduct a working session to support recodification of the Code of Ordinances, including further consideration of establishing an overlay district, and associated amendment to the Building Code, to promote its enforceability.

Call to Order

Mayor Crawford called the meeting to order at 6:00 PM. The Mayor asked the City Clerk for the second reading an *Ordinance Amending Permit Procedures of the Building Code*.

The principal Title for review at this session was the revised Forest Code proposed by the City Forest Board. This being an original document, the Mayor had also compiled and circulated a Forest Code Quick Comparison table, to relate the proposal to the current Title. Mayor Crawford reviewed the comparison with the Councilors. The table is included as part of these minutes.

After noting several administrative provisions that would need revision to conform to state law, attention focused on policy changes proposed in the new text.

The Board wanted to extend its authority over street side trees from just those along the "easement" to those within 15 feet of the paved street. This raised the chronic issue of exactly what constitutes the easement, public way and right of way. The Mayor suggested the City Attorney (who arrived later, as noted below) could help fix definitions and specifications for each term.

The next issue addressed was proposed limits on what types of trees can be planted. The Board proposed publishing a compulsory Approved Tree List, and care and maintenance standards, which drew mixed reactions.

Councilors were concerned with idea that some violations will be directed to the City Attorney instead of to Code Enforcement.

The Mayor noted that Forest Board wanted measures to strongly discourage removal of non-hazardous trees. One action proposed was to hold a public hearing to allow the resident to explain why the tree needs to come down. There were several comments against taking these trees down and what control measures will be in place.

Tony Williams argued for provisions to specifically cite commercial vehicles causing tree damage. It was agreed by Councilors to include all vehicles causing damage.

The City Attorney arrived and was asked for help defining the terms "easement", "public way" and "right of way." Mr. Emery clarified that the Forest Board is requesting more authority is beyond the City's "right of way". He suggested that KRS 178.025 defines the right of way. The attorney stated that the Forest Board can't extend their authority past the right of way into the resident's private property. The

attorney suggested that the original plat of the City should show the established easements, public ways and right of way.

The Council discussed how to re-write the new code. The understanding is unless the plan is to repeal the entire code and re-write it, which would risk loss of continuity, then you have to strike language you do not want and insert language you are going to keep. This is the acceptable format for amending ordinances.

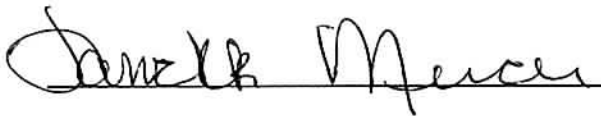
The Mayor wanted to know how to set variable penalties for different violations of the same provision. The City Attorney replied that it would not be a penalty; it would an exaction. The exaction would need to be equal to the proportional impact of the tree to be removed and its replacement. The Council will need to set some standards as well as when the exaction will be paid prior to the removal or some weeks after. The Council will need to show how those standards were set. The standards must have some measurable goal, so that it can be defended in court.

Having covered the major policy issues, Joanne Bader suggested the City government go through the old code, strike out old language and add the new language. This was the process that was agreed on and they went through the entire Forest Code. A revised clean text will be reviewed at a future working session.

Joanne Bader made a motion to adjourn the meeting. Darrell Shelton seconded, and the motion passed unanimously.

The meeting adjourned at 10:01 PM.

The next meeting is scheduled for February 8, 2016 at 6:00 PM.



Attested



Approved