

Special Council Meeting Minutes

November 10, 2015

The City Council of the City of Audubon Park held a special meeting (KRS 61.823) on Tuesday, November 10, 2015, at 1051 Hess Lane, Audubon Traditional School, with the following present: Mayor Dorn Crawford and Councilors Joanne Bader, Darrell Shelton, and Tony Williams. Also present were Chief of Police Doug Sweeney, City Attorney Steve Emery, and City Clerk Janette Mercer. The purpose of the meeting was to conduct a public hearing to discuss a proposed overlay district for the City, and also solicit ideas and preferences for renewing the City's waste management contract.

Call to Order

Mayor Crawford called the meeting to order at 7:00PM. He reviewed the proposed overlay concept, then opened the floor for public comments and questions. Included as part of these minutes is a list of the residents who attended the meeting. Following is the list of the attendees who made comments and/or had questions.

Yvonne Miles	Parkway Village
Scott & Linda Bogner	1140 Audubon Pkwy
Amy Shelton	933 Dove Lawn
Judy Schwenker	1145 Dove Rd
Patty Stinson	3115 Sora Ave
Margaret Scharre	3315 Oriole Dr
Laura Kelty	3242 Cross Bill Rd
William Klump	1155 Dove Rd
Mike Gardner	926 Audubon Pkwy
Al Huber	1133 Cardinal Dr
Mark & Regina Hymer	932 Dove Lane
Darnell Farris	3104 Teal Ave
Vicki Prince	3216 Chickadee Rd

Yvonne Miles, Parkway Village, asked for the floor first. She read excerpts from selected statutes, and gave a detailed opinion of how an overlay ordinance would operate in Audubon Park. Ms. Miles noted that the residents should monitor the Mayor and the Council on their actions and decisions. She offered names and phone numbers of persons that she felt would back up her negative opinion of the ordinance. After a lengthy intervention, the Mayor asked Ms. Miles to conclude, so that he and the Council could hear from the residents of Audubon Park.

Linda Bogner, 1140 Audubon Parkway – Ms. Bogner noted that if what Ms. Miles is stating is true, then the ordinance is going to restrict the residents of doing what they want to do with their homes and

property. She also noted that if she wanted to remodel her kitchen and if it does not fall into the city guidelines, that according to Ms. Miles it really doesn't matter because this falls under Metro. She asked the Mayor if that was a true statement. He replied, "No, it is not true."

Tony Williams Councilor, 3220 Eagle Pass - He noted that Council can approve, disapprove or change any ordinance, so if the ordinance does not turn out the way it is intended, the Council can vote to amend or repeal it.

Amy Shelton, 933 Dove – Ms. Shelton wanted to make a clarifying statement. It is her understanding the current code of ordinances has provisions and restrictions for modifying homes. The proposed ordinance is to help reinforce those current ordinances. The Mayor replied "yes" and if we don't approve the proposed ordinance, some of the current ordinances will have to be severely altered or be eliminated entirely.

Judy Schwenker, 1145 Dove – Ms. Schwenker stated that she feels it more important to enforce cleaning up Audubon Park than to try and take on something of this magnitude.

Patty Stinson, 3115 Sora – Ms. Stinson agreed with Ms. Schwenker. She feels we need to add new laws enforcing yard clean-up, in the front yards and back yards. She stated that she called up to City Hall complaining about in neighbor's yard and was told nothing can be done. The Mayor replied, "Thank you for making the case for this overlay, to aid in enforcing current ordinances."

Margaret Scharre, 3315 Oriole – Ms. Scharre wants a better understanding of the overlay ordinance. The Mayor answered that this is a protective device, to aid in enforcing current ordinances.

Laura Kelty, 3242 Cross Bill - Ms. Kelty asked a series of questions relating to the use of an overlay district to regulate development and restrict home improvements.

The Mayor answered that, unlike some other overlays, this proposal relies entirely on the existing body of ordinances, using the same processes that currently exist; this ordinance is not to impose any new regulations or restrictions, it is simply to protect current ordinances.

William Klump, 1155 Dove – Mr. Klump asked the City Attorney if the City has the authority to pass an overlay district. Mr. Emery, the City Attorney, answered yes. Mr. Klump's next question was, how the City can enforce the overlay. If the City has ordinances that they cannot enforce, why make another or how can this one be enforced. Mr. Emery gave an example of a Kentucky Court of Appeals case that originated in the City of Kingsley. The City of Kingsley had an ordinance that stated if you have a fence it can only be a certain height and place in a certain spot in your yard. The Court of Appeals said the City of Kingsley does not have the authority to place those restrictions on your residents. It is for Metro Louisville to decide because that is considered a land use regulation. What came out of that case was you must have some kind of authority to enforce those kind of ordinances. In order for the City of Audubon Park to have that kind of authority there has to be some other kind of statutory mechanism available. That is provided for by the statute KRS 82.660, and sequential that describes overlay districts that are permitted in cities of all classes. Once the City has established an overlay then the City has the authority that is allowed by the overlay statute. Mr. Klump expressed that the term, "overlay district" has bad connotations. He noted that this ordinance is not heavy with restrictions, however there could be future ordinances with more restrictions.

Mike Gardner, 926 Audubon Pkwy – Mr. Gardner expressed that his initial reaction to the Mayor was skeptical. He noted that after having conversation with the Mayor and understanding what this ordinance is design to accomplish, he understands the importance of this ordinance. Mr. Gardner is the chair for the Code Enforcement Board. He cited an example and expressed his approval.

Regina Hymer, 932 Dove Lane – Ms. Hymer wanted to understand the passion of the person (Ms. Miles) who is not a resident of Audubon Park. Ms. Hymer finished her comments by thanking the Council for their work in the city. She also gave her approval for the ordinance.

Mark Hymer, 932 Dove Lane – Mr. Hymer asked the City Attorney how the City got to the point where the ordinances were no longer enforceable- was it the court case referenced earlier? Mr. Emery answered yes. He gave his approval.

Joanne Bader Councilor, 1117 Cardinal – Ms. Bader clarified that if an ordinance is proposed to make more restrictions on the residents the Council has to approve the ordinance. She said that as a Councilor, she would listen to the residents, and if they were against approval that is how she would vote and felt anyone who was on Council would do the same.

Darnell Farris, 3104 Teal Ave – Mr. Farris is retired after 28 years in the Landmark Division Staff for Metro Louisville. He noted that he has dealt with small city overlays since the City of Louisville merger, and in his opinion this is a good overlay. This overlay is known as "ordinance light", because it deals with the generalities of what is already in place. He also commended the current administration and Council for their work against the airport to protect the City of Audubon Park.

Responding to repeated concerns about the risks of expanded powers and potential abuses by future Councils, Mayor Crawford recalled that this is America, where government is by representative democracy. Councilors, and the Mayor, are elected by and answerable to the citizens; if there are signs of excess or abuse, they should be fired and replaced

Scott Bogner, 1140 Audubon Pkwy – Mr. Bogner asked if this ordinance would give the Council more range of power. The Mayor answered "no", again this ordinance is only giving the City the authority to enforce current ordinances.

Joanne Bader, 1117 Cardinal – Ms. Bader noted that the City's ordinances have not been recodified since 1996. Technically according to the Kentucky League of Cities this process needs to occur every 3 to 5 years.

As the discussion was wrapping up there were remarks about some residents being allowed to build things while others were not, and how such actions related to the overlay ordinance.

The Mayor opened the conversation about waste management.

Nick Kuprion owner of 908 Audubon Pkwy, an 8 unit apartment building, and John Rothpletz, owner of a 12 unit apartment building on Robin Rd., noted the current waste management program has cost them so much that they have been unable to complete desired building improvements. They wanted to express that the new waste management program should offer a more affordable plan for multi-family complexes.

Vicki Prince, 3126 Chickadee – Ms. Prince noted that she didn't think the entire City of Audubon Park waste management contract should be based on 4 or 5 complexes' needs.

There were several conversations about garbage pick-up once, versus twice, a week, and pick-up from the back of house versus curb-side. The waste management companies, franchise options and the cost for a one-family house versus multifamily buildings were also discussed.

The Mayor and Councilors assured the residents that there would be a survey distributed to get seek input on the new waste management contract.

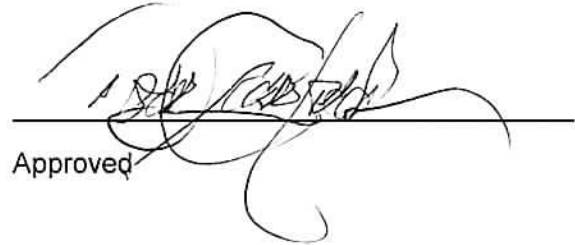
Tony Williams made a motion to adjourn the meeting. Joanne Bader seconded, the motion passed unanimously.

The meeting adjourned at 9:10.

The next scheduled meeting date is November 16, 2015.

A handwritten signature in cursive script, appearing to read "Donald Mercer", written over a horizontal line.

Attested

A highly stylized handwritten signature in cursive script, written over a horizontal line.

Approved