

## **Council Meeting Minutes**

**September 16, 2019**

The regularly scheduled meeting of the City Council of Audubon Park was held on Monday, September 16, 2019 at 3340 Robin Road, with the following present: Mayor Tony Williams and Councilors Brittney Gorter, Madeline Bozeman, Austin Schwenker, Jennifer Kleier, Andrew Klump and Stephanie George. Also present were Chief of Police Mike Minniear, City Attorney Keith Larson and City Clerk Janette Mercer.

### **Call to Order**

Mayor Williams called the meeting to order at 7:04 PM.

### **Opening Public Comments**

Mayor Williams opened the floor for opening public comments.

Leah Netherland, 1141 Dove – Ms. Netherland discussed her concerns about the proposed new Forest Code. Her main concern is the inability to educate the residents on trees that are positioned outside of the right of way and leaving that task to Metro Louisville.

Jim Walsh, 1201 Audubon Parkway – Mr. Walsh discussed his lack of knowledge of the variance process and what has been accomplished in reference to his solar panel installation, since the last meeting.

Dorn Crawford, 932 Audubon Parkway- Mr. Crawford discussed the issues with the proposed new Forest Code. He provided the council his concerns in writing and a draft that he did complete when he was the Mayor.

Margaret Tanguary, 1129 Cardinal Dr – Ms. Tanguary extended an invite to the Garden Club's 90<sup>th</sup> birthday celebration, on October 10, 2019. The celebration will be at the Audubon Country Club at 5:45 PM and the chicken dinner buffet will be served, and the speaker will be Tom Owen. The reservations need to be made by October 1, 2019 and the cost will be \$25.00 per person.

The Mayor asked to move the discussion to determine the adjacent properties and schedule the variance hearing for 1201 Audubon Parkway. The Council had a lengthy discussion and the decision was made. The adjacent homes are 3128 Widgeon, 3130 Widgeon, 3129 Widgeon, 1135 Audubon Pkwy, 1203 Audubon Pkwy, and 1205 Audubon Pkwy. The date was set for September 30, 2019 at 6:00PM. Austin Schwenker made a motion to approve the date. Stephanie George seconded, and the motion passed unanimously. Madeline Bozeman made a motion to approve the named adjacent homes. Brittney Gorter seconded, and motion passed unanimously.

### **Attorney's Remarks**

Mr. Keith Larson updated the information on the recodification. The following is the timetable given for the process:

Once the ordinances are received at American Legal Publishing it will take approximately 3 or 6 months for a draft copy.

The Kentucky Department for Libraries and Archives will give the City 2 or 3 months to review and send back with additions and/or corrections.

The Kentucky Department for Libraries and Archives will take another month or 2 for the final copy.

#### **Financial Report**

The Mayor presented the cash flow report and budget to actual report for the month August for approval. Andrew Klump questioned the Garden Club grant line item #6300-10. The number reflected there was \$24K, he remembers the approval being \$12K. Madeline Bozeman made a motion to approve the financial report with the correction. Andrew Klump seconded, and the motion passed unanimously.

#### **Police Report**

Mayor Williams gave the floor to the Chief of Police. The Chief covered the Code Enforcement report and the police report. There were comments about the city looking better because of the Code Enforcement officer. He gave an update on the speed enforcement project based on school being back in session. The following are the numbers for a 48-hour session. There were 34 traffic violations of the 34, 8 tickets were written, and 24 warnings given. The Chief explained that the department patrolled every day, now going forward they will only monitor sporadically. There were comments about the traffic plan for the music festivals and the effectiveness of the plan.

#### **Forest Board Report**

The Mayor noted the written report and opened the floor for questions. Mayor gave an update on the planting and removing of trees along the golf course.

#### **Archivist Report**

Ms. Kelty wants the city to look at the Ordinance Amending Provisions for Parking of Commercial, Recreational and Non-Operating Vehicles. She went back to the minutes and there should have been an amendment made to the Ordinance changing the word "and" to "or". This motion was made by Andrew Klump, seconded by Amanda Thompson and the motion passed unanimously. She also questions the dates on the ordinances. This issue will be examined and changed accordingly.

#### **Unfinished Business**

Mayor Williams presented the August 19, 2019 meeting minutes for approval. Madeline Bozeman made a motion to approve the minutes. Andrew Klump seconded, and the motion passed unanimously.

The Mayor asked Andrew Klump for the second reading of an *Ordinance Amending the Code of Ordinance with Respect to City Sales*. Mr. Klump executed the second reading. The Mayor asked for a motion to approve the ordinance. Brittney Gorter made a motion to approve. Madeline seconded, and ordinance passed unanimously.

Mayor Williams asked Brittney Gorter for the second reading of an *Ordinance Amending the Code of Ordinance with Respect to Minimum Building Standards and Regulations*. Ms. Gorter executed the second reading. Andrew Klump made a motion to approve the ordinance. Madeline Bozeman seconded the motion. Brittney Gorter suggested that the verbiage "two story" needs to be more defined. There were discussions about the appropriate height to be named in the ordinance. There were questions



about changing the variance process. The motion to approve the ordinance, did not pass with no one in favor. Stephanie George suggested to have the verbiage read "Garages will be limited to the lesser of either 25 feet in height or the height of the house, and 1,200 square feet. The Mayor asked for a motion to approve the changed verbiage. Stephanie George made a motion to approve the changed verbiage. Andrew Klump seconded, and the motion passed unanimously. The Mayor then asked for the vote to approve the ordinance with the changed verbiage. The motion passed with 5 in favor (Brittney Gorter, Austin Schwenker, Stephanie George, Jennifer Kleier and Andrew Klump in favor) (Madeline Bozeman abstained).

Mayor Williams asked for the seconded reading of an *Ordinance Specifying Requirements to Erect or Maintain Solar Panels*. Austin Schwenker executed the seconded reading. Madeline Bozeman made a motion to approve the ordinance. Brittney Gorter seconded. Mayor Williams started the conversation that he feels that the solar panels should not be allowed to be install on the front of the house, technology is moving fast enough that soon there will be shingles and those would look better on the front of the house. The Council decided that the concern is really any side that is street facing. Ms. George expressed that restrictions should be separated, the restrictions for houses should be different from restrictions on garages. There were lengthy conversations about Section number 2 and sub-section number 2 needing to be re-written because of verbiage and commas. Austin Schwenker made a motion to amend Section 2, subsection 2 to add the verbiage of "primary residence" in front of the statement "and is located so as not to be installed on the primary residence's roofline facing the street" and to remove the comma after that statement. He also wanted to add the "primary residence" to the statement "or seen from the primary residence's street address façade or primary elevation. Subsection #3 to delete all verbiage after "shall not be permitted". Subsection #4 delete. There were lengthy conversations about ground mounted panels. Madeline Bozeman called the conversation to question. There was not a second, so the conversation continued. Austin Schwenker called the conversation to question. Madeline Bozeman seconded the question. The motion passed with all in favor. Austin Schwenker made a motion to amend the Ordinance to read as follows:

Section 2, subsection #2 - No Permit shall be issued until a plan of such device showing the location, material, and type of construction is delivered to and approved by the Mayor or his or her designee and such location thereof is in keeping with and does not detract from the surrounding neighborhood, and is located so as not to be installed on the primary residence's roofline facing the street or seen from the primary residence's street address façade or primary elevation. Madeline Bozeman seconded, and the motion passed with all in favor.

The final amendment to the entire ordinance is as follows:

Chapter 8 Section 2 of Title VII General Regulations Code:

Section 2 Subsection 1- Remains unchanged

Subsection 2. No Permit shall be issued until a plan of such device showing the location , material, and type of construction is delivered to and approved by the Mayor or his or her designee and such location thereof is in keeping with and does not detract from the surrounding neighborhood, and is located so as not to be installed on the primary residence's roofline facing the street or seen from the primary residence's street address façade or primary elevation. Madeline Bozeman seconded, and the motion passed with all in favor.

Subsection 3. Ground-mounted, personal-scale SES shall not be permitted.

Subsection 4. Deleted.

Subsection 5. Remains unchanged. (Will now be subsection 4, since 5 was deleted).

Chapter 99 Section 7-99.01 of Title VII: General Regulations Code:

Violations of this Title; Penalty

(g) Any person violating any provision of Chapter 8 of this title shall be fined not less than \$20.00 nor more than \$100.00 for each offense plus court costs as may be imposed. Each day shall constitute a separate offense.

Austin Schwenker made a motion to approve the ordinance with the stated changes. Stephanie George seconded, and the motion passed with 5 in favor (Madeline Bozeman, Brittney Gorter, Austin Schwenker, Stephanie Gerge, and Jennifer Kleier in favor) (Andrew Klump opposed)

#### **New Business**

The City Attorney Mr. Keith Larson presented a summarized 1<sup>st</sup> reading of the Forestry Code Ordinance sponsored by councilman Andrew Klump. Mr. Klump discussed his concerns with the code and wants feedback from the rest of the council.

#### **Mayor's Report**

The Mayor gave an update on the employee handbook and he is waiting on KLC for feedback.

#### **Closing Public Comments**

Ray Palazzo, 3141 Preston Highway – Mr. Palazzo discussed his opinion on the height to garages.

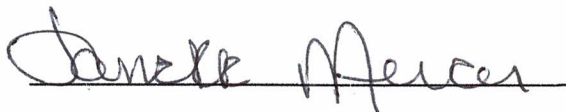
Leah Netherland, 1141 Dove Rd – Ms. Netherland discussed the process of pruning trees. She expressed her opinion on not being allowed to instruct the residences on trees in the yard and not in the right of way.

Laura Kelty, 3242 Cross Bill – Ms. Kelty asked if the nuisance code could handle any issue with dangerous trees.

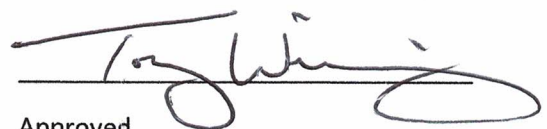
Madeline Bozeman made a motion to adjourn. Brittney seconded, and the motion passed unanimously.

The meeting adjourned at 9:13 PM.

The next scheduled meeting is October 21, 2019 at 7:00.



Attested



Approved