

## **COUNCIL MEETING MINUTES FEBRUARY 21, 2012**

The regular scheduled meeting of the City Council, City of Audubon Park, was held on Tuesday, February 21, 2012, at 3340 Robin Road with the following present: Mayor Michael Scalise along with Council Members Cindy Habeeb, Gary Vogel, Al Huber, Judy Schwenker, and Patrick Kehoe. Also present were Police Chief Cox, City Clerk Stephanie Lee, and Assistant City Attorney Jonathan Leachman. City Attorney Patrick McElhone along with Council Member Rose Mangino 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 – Council Meeting 01/17/2012:** Mayor Scalise asked if there were any corrections, additions, or deletions to the minutes from the previous month. Patrick Kehoe said he didn't want to amend the minutes; but he said for the record, there was a comment made, kind of made in a joke, that he didn't like the joking manner of comparing the City's Budget versus the Federal Budget regarding deficits. He said he doesn't think a deficit in any government is a joking matter, and Mayor Scalise thanked him for his comment with a short discussion following. Al Huber made motion to accept the minutes as presented. Gary Vogel seconded, and the motion passed with Patrick Kehoe opposing.

**Approval of the Minutes – Tax Rate Hearing 02/01/2012:** Mayor Scalise asked if there were any corrections, additions, or deletions to the minutes from the Tax Rate Hearing held earlier this month. Al Huber made motion to accept the minutes as presented. Judy Schwenker seconded, and the motion passed unanimously.

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

1. Mary Zena, 3307 Linnet – commented about her concerns with a neighbor's tree.

Mayor Scalise encouraged Ms. Zena to discuss the problem regarding the tree with him after the meeting, and Ms. Zena said she wants everyone to know about it.

Ms. Zena continued by saying the neighbor's tree has been losing limbs, and she said one of them even damaged her house. She said it is ugly, rotting, and has stuff spilling out of it. She asked if there is anything the City can do about it. She said she has even offered to pay half on the expenses involved, and she said the neighbor told her he would think about it.

Jonathan Leachman said if the tree is not on the easement, there is nothing the City can do with it being on their private property.

Mayor Scalise said these issues have come up before, and he said the best solution he's heard of is for Ms. Zena to contact her insurance company to tell them her concerns. He said they can contact their homeowner's insurance to put them on notice. He said the City's hands are tied because they have no authority over it. He said he did look at the tree and check the easement, and he commented about red flags at the location.

Ms. Zena said the red flags are from a survey she had done.

Judy Schwenker said she sympathizes with Ms. Zena because she's been in the same situation also.

Patrick Kehoe said he's experienced it too, and he suggested sending a certified letter to the neighbor giving them notice. He said if you put them on notice, their insurance company will be responsible if there are damages.

Ms. Zena also said he is putting out extra garbage and junk in the trash.

Mayor Scalise said they can check with Waste Management regarding extra amounts of garbage being put out at the location.

2. Jimmy Smith, 1130 Dove Road – mentioned the Budget Hearing, and Mayor Scalise corrected him by saying it was a Tax Hearing. He said he thought there were a lot of things unsaid, and he mentioned emails he had sent to the Council. He said in terms of trying to keep rumors from getting spread, he inquired as to a reasonable timeline for conversation via email. He asked if that is a viable option for the Council Members.

Mayor Scalise said this time is for Mr. Smith to address the Council not to debate.

Mr. Smith said he's asking a reasonable question.

Mayor Scalise said you are asking about my response to an email that took two weeks to respond to. He apologized saying sometimes other things with a higher priority may interfere.

Mr. Smith wanted to make reference to the email, and Mayor Scalise tried to explain that this time is for Mr. Smith to tell the Council what his views are. Mr. Smith inquired about the Revenues from Sanitation Fees going to General Funds; and he asked if there are any extras, does the City get to decide what they want to do with it.

Mayor Scalise said it is in the General Funds, and he added it is decided by the Budget the Council passes.

Mr. Smith said he's asking because he doesn't understand. He remarked it is up to the discretion of the Council.

Mayor Scalise said exactly based on the Budget.

Mr. Smith inquired about his understanding of each Police Officer having up to \$500 of discounted gas.

Chief Cox said there is not \$500 worth of money given to them. He said there has to be a line drawn for fuel for patrol (saying that amount was determined by the previous Chief), and Mayor Scalise agreed saying it is set up as a limit.

Mr. Smith said that was his concern about them getting \$500, and he inquired about \$200 in administrative costs.

Mayor Scalise said it covers the City Clerk's salary, the City Treasurer's salary, the Public Works, City Hall, and a lot of issues.

Mr. Smith inquired about salaries with them being disclosed to the Council on a monthly basis.

Mayor Scalise said the checks are in an attachment to the Financial Report every month.

Mr. Smith questioned about needing to fill out an Open Records Request.

Mayor Scalise said all of the Council Members have it.

Mr. Smith commented about getting it from a Council Member.

Patrick Kehoe inquired as to if the Council is allowed to give it out.

Mayor Scalise said it is public once you've got it.

Mr. Smith inquired about a rumor regarding taking members of Audubon Park to the Audubon Country Club for Christmas.

Mayor Scalise said we did have a Christmas Dinner for the City employees.

Mr. Smith questioned as to how it was paid for.

Mayor Scalise said it was paid for with City funds currently.

Judy Schwenker said she does not take a check for being on the Council because she is doing a public service. She said if they choose to have a party with it or whatever, that is fine with her.

Mr. Smith inquired as to if this was decided by the Council.

Judy Schwenker said for her it didn't matter, and Mayor Scalise said he made the decision.

3. Drew Perkins, 1131 Dove Road – inquired about Mr. Huber putting carpeting down in City Hall, and he asked if he received a check for the work.

Al Huber said yes he did put the carpet down, and he said he did receive a check.

Mr. Perkins asked for Mr. Huber to use his scenario that somehow did not make it in the minutes to describe Mr. Kehoe not being able to go to Trixie's anymore if he spent all of his money.

Al Huber said he did not say that.

Jonathan Leachman said this is a public comment period and not the time to come up and have a personal dispute with a Council Member.

Mr. Perkins said he wants him to explain it because it would be quite valuable.

Mayor Scalise said he was gaveling Mr. Perkins out of order based on what the Assistant City Attorney had said.

4. Bryan Hayes, 1229 Valley Drive – He said he wasn't at the meeting in February; and he said he would like know if the City has agreed to pay Carl Reesor \$600,000 over the course of 10 years.

Mayor Scalise said we have a retirement plan that is based on policies the Council has passed in previous years. He said we have a plan in place instead of being in the Commonwealth of Kentucky plan, and he went into a brief explanation of the plan.

Mr. Hayes inquired about it being by contract or by law. He later inquired about the date of the contract, and he said he thought it was a lot.

Mayor Scalise said it is by contract based on our policies and was approved by a previous Council. He went on to say he wasn't for sure about the date of the contract.

Patrick Kehoe said Mr. Reesor is not the only one receiving retirement from Audubon.

Mayor Scalise said another person is receiving retirement, and he said it will be paid within the next two years.

5. Mary Miller, 1307 Audubon Parkway – asked if anyone had an idea or knew of the percentage with the hazardous duty formula for retirement.

Mayor Scalise said the City would have to contribute almost 40% versus the 30% now.

**Property Tax Ordinance – 2<sup>nd</sup> Reading:** Al Huber presented and Stephanie Lee read ORDINANCE NUMBER 0001, SERIES 2012, AN ORDINANCE ADOPTING JULY 1, 2012 TO AND INCLUDING JUNE 30, 2013 AS THE FISCAL YEAR, LEVYING TAXES FOR SAID FISCAL YEAR AND PROVIDING FOR THE TIME OF PAYMENT OF SAME AND THE SPENDING OF THE PROCEEDS OF SAID LEVY.

Stephanie Lee mentioned the proposed rate is 0.272 per \$100 of assessed valuation.

Al Huber made motion to accept the Ordinance as presented, and Gary Vogel seconded.

Patrick Kehoe wanted to bring to everyone's attention that the Ordinance has been introduced without any cost cutting measures. He commented about not introducing the Ordinance and not increasing taxes. He also mentioned an email he said he had sent to the Mayor regarding the Budget, and he said Mayor Scalise had not responded back. He said he is on the Board to look out for the residents of Audubon Park to try to save money, and he said the Mayor not answering his questions is a disgrace. He said he's trying to save people in Audubon Park money by not paying higher taxes, and he said he doesn't think the Mayor wants to give him the information. He said he has contacted the Kentucky League of Cities and the Attorney General, and he said he was told the Mayor had to answer him by law. He said the Mayor had told him he needed an Open Records Request, and he said he doesn't need one by law. He said he would be glad to give the email to the City Attorney to read.

Jonathan Leachman said this is not a subject to be discussed at this time.

Patrick Kehoe inquired as to when it should be discussed, and members in the audience questioned as to who the City Attorney is.

Mayor Scalise said they did respond to Councilman Kehoe's email asking him to come to City Hall to meet, and he said they haven't heard back from him.

Patrick Kehoe said Mayor Scalise did not invite him up to City Hall to meet with him.

Mayor Scalise said Chief Cox sent the email, and Patrick Kehoe said Chief Cox responded to his individual email not the questions for the Mayor.

Patrick Kehoe inquired as to who "we" are. He said he is a part of the Council and has not had a chance to help work on this Budget issue.

Mayor Scalise said we are talking about a tax bill here, and he said the Budget will be coming up in the next couple of months.

Patrick Kehoe inquired about trying to increase taxes without working on the Budget.

Mayor Scalise went into a brief explanation of House Bill 44 in relation to revenue, the taxing formula, and assessed property values. He added that people are rightfully so concerned about Budgets right now.

Gary Vogel said he thinks everyone's into cutting taxes and the Budget, and he mentioned last year the increase was around \$20 per household for the year.

Patrick Kehoe said they have not had any extra meetings to look at how to cut the Budget, and he said they continue spending more and more.

Mayor Scalise said he has always had advice from Council Members such as Gary Vogel and Al Huber.

Judy Schwenker said at this time of year, it's the same thing over and over. She said City Hall is not great mentioning the terrible smell in the building, etc. She commented about bringing in supplies and donating them with the employees being happy to get the items. She said employees use coupons and cut corners to try to save the City money.

Patrick Kehoe said he thinks the process is a little bit backwards, and he said he thinks they should cut where they can in expenses. He said if expenses cannot be cut, he is okay with a tax hike as long as things have been looked at. He later inquired about the City running in a deficit the past several years. He went on to add that he thinks the entire Council should be involved in the Budget process.

Mayor Scalise said he doesn't think it's backwards because of having a figure in place and knowing what they are actually able to spend. He said the Worker's Compensation Audit was some of the blame as far as the deficit.

Mayor Scalise called for the vote. Four members of the Council (Cindy Habeeb, Gary Vogel, Al Huber, and Judy Schwenker) voted for the rate; and Patrick Kehoe opposed.

**Motor Vehicle Tax Ordinance – 2<sup>nd</sup> Reading:** Al Huber presented and Stephanie Lee read ORDINANCE NUMBER 0002, SERIES 2012, AN ORDINANCE ESTABLISHING THE CITY OF AUDUBON PARK TAX RATE ON ALL MOTOR VEHICLES FOR THE TAX YEAR 2012 – 2013.

Stephanie Lee mentioned the rate is the same as the property tax rate at 0.272 per \$100.

Al Huber made motion to accept the ordinance as presented, and Judy Schwenker seconded.

With there not being any discussion at this time, Mayor Scalise called for the vote. Four members of the Council (Cindy Habeeb, Gary Vogel, Al Huber, and Judy Schwenker) voted for the rate; and Patrick Kehoe opposed.

**Garbage Ordinance – 2<sup>nd</sup> Reading:** Al Huber presented and Stephanie Lee read ORDINANCE NUMBER 0003, SERIES 2012, AN ORDINANCE ADOPTING THE GARBAGE RECYCLING COLLECTION ASSESSMENT FOR THE CITY OF AUDUBON PARK, KENTUCKY FOR THE PERIOD FROM JULY 1, 2012 TO AND INCLUDING JUNE 30, 2013 AND PROVIDING FOR THE COLLECTION OF SAME.

Stephanie Lee mentioned the rates as being the same as the previous year.

Al Huber made motion to accept the ordinance as presented, and Gary Vogel seconded.

With there being no discussion at this time, Mayor Scalise called for the vote. Four members of the Council (Cindy Habeeb, Gary Vogel, Al Huber, and Judy Schwenker) voted for the rate; and Patrick Kehoe opposed.

**Financial Report:** The information submitted on the Financial Report showed the figures through the month of January. Judy Schwenker made motion to accept the Financial Report as presented. Al Huber seconded, and the motion passed unanimously.

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

Patrick Kehoe inquired about getting the information broken down into tax districts (Audubon Park, Parkway Village, and Audubon Hospital).

Chief Cox said he can get the information for him.

**Forest Board Business:** Gilbert Zinner passed out copies of the Forest Board Report dated February 21, 2012 to the Council and Mayor for their review. He inquired about trees and discussions with the City Attorney, but the review has not been completed yet.

**Unfinished Business:** Patrick Kehoe inquired about an email he had sent to Chief Cox regarding MSD working in the area. He questioned about obtaining a permit to park and the safety hazards involved with them working in the area. He said on record, he has been in the utility business for years; and he said there are no flagmen or advance warning signs at the location. He later said the City is held liable, and he questioned Jonathan Leachman regarding the City's liability if something was to happen after being informed about it.

Chief Cox said there's not a parking permit that he's aware of, and he said they won't be parking there anymore. He said he had forwarded the information to City Attorney Patrick McElhone for review.

A lengthy discussion took place regarding liability, blocking the roadway, traffic regulations, and what the Police Department can enforce, etc. in this situation.

**New Business:** Patrick Kehoe mentioned a survey he did in regards to the condition of the roads in Audubon, and he said they are in horrible condition. He later commented about sending an email requesting to discuss the roads.

Mayor Scalise commented about Councilman Kehoe's plan to discuss something entirely different, and he went on to say he needs to stick to the Agenda and discuss what's listed.

Jimmy Smith commented, and Mayor Scalise told him he was out of order.

Chief Cox told Mr. Smith not to burst out during the meeting.

Patrick Kehoe said he would like to give notice that he wants to be on the Agenda for next month to discuss the condition of the roads.

Patrick Kehoe said he would like to propose the Council look at having a movie night one night this Summer. He said it will be an out-of-town company with a large, blowup theater with the cost being \$1,570. He said he has talked to several people that are willing to sponsor the event at no cost to the taxpayers or to the City Council. He briefly explained what he would like to show, the timeframe, insurance, electricity, etc.

Gary Vogel said it sounds like fun, and he inquired as to if Councilman Kehoe is going to Chair the event.

Patrick Kehoe said he will. He also proposed a 4<sup>th</sup> of July Parade. He said he may have to give it to the Chief and Mayor for review. He said he would like to suggest a parade for the kids and Veterans in Audubon Park. He briefly explained his thoughts regarding times, bands and music, decorating contests, marching, potluck dinner, icecream, etc.

Chief Cox said anytime it is on the road, it is considered a parade.

Patrick Kehoe also proposed an Easter Egg Hunt for the kids of Audubon Park. He said he will again sponsor this and would like any volunteers to help. He suggested March 31<sup>st</sup> in Henderson Park; and he briefly explained donation commitments, volunteers, etc. He said he thinks the community should come together more instead of fighting, and he said he thinks these activities will help bring people together.

Patrick Kehoe made a motion to introduce the movie night, 4<sup>th</sup> of July Parade (mentioned this may have to be looked at further due to traffic control), and the Easter Egg Hunt.

Mayor Scalise suggested introducing this as a Resolution with one reading.

Cindy Habeeb commented about thinking this is a wonderful idea, and she questioned about children from other neighborhoods coming.

Patrick Kehoe mentioned the City of Hollow Creek having events; and he said if others want to come, the more the merrier.



Mayor Scalise said if the City has a public function, it is open to the public; and a short discussion followed regarding the event being public and notices.

Judy Schwenker seconded Councilman Kehoe's motion, and a brief discussion followed.

Al Huber inquired about the \$1570 covering all three activities, and Councilman Kehoe said it just covers the movie night.

Al Huber inquired about the money needed, and Councilman Kehoe said he is looking for sponsors. He said if he cannot get sponsors, it will not be a go given the financial situation of the City.

Jonathan Leachman asked for clarification as to whether the events are three City of Audubon Park events; or he asked Councilman Kehoe if he is asking for permission to put together events to hold on his own in the Park.

Mayor Scalise said he sees them as put together events holding them in the parks, and he mentioned needing to issue a permit.

Patrick Kehoe agreed.

Mayor Scalise called for the vote, and the motion passed unanimously. He told Councilman Kehoe he will need to get with him on getting the permits.

Gary Vogel inquired about rain dates, and Councilman Kehoe said he has two tentative rain dates. He also added that if it rains both days, the event will be canceled.

**Mayor's Report:** Mayor Scalise mentioned MSD will be temporarily removing the flagpole at the circle on Audubon Parkway in order to perform some sewer work needed in that area. He also commented about having a report of 2 coyotes at 2 A.M. on Cardinal across from the Audubon Country Club. He went on to add that Louisville Mayor Greg Fischer has announced a week of service from April 15<sup>th</sup> until the 22<sup>nd</sup> to kick off the Derby Festival. He mentioned Brightside having a cleanup in the area on April 14<sup>th</sup>, and he asked for someone to Chair this effort.

Pat Kehoe inquired about the City paying to have the flagpole at the circle taken down, and Mayor Scalise said he will look into it after a short discussion took place.

Gary Vogel made motion to adjourn the meeting. Cindy Habeeb seconded, and the meeting was adjourned.

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ATTESTED

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APPROVED

## City of Audubon Police Department

### MONTHLY REPORT

Month of: January, 2012

TYPE OF ACTIVITY	TOTAL	AUDUBON	PARKWAY VILLAGE
ARRESTS	25	20	5
ACCIDENT REPORTS	4	3	1
ANIMAL CALLS			
BURGLAR ALARMS	11	8	3
DOMESTIC CALLS	7	4	3
FIGHT CALLS			
FIRE CALLS	2	1	1
LOUD PARTY CALLS	1	1	
PROWLER CALLS			
REPORT(S)	14	12	2
ROBBERY CALLS	2	1	1
SHOOTING/STABBING			
TRAFFIC STOPS	184	134	50
STATE CITATIONS	160	116	44
PARKING CITATIONS	24	8	16
COURTESY CITATIONS	20	11	9