

## **COUNCIL MEETING MINUTES JULY 16, 2012**

The regular scheduled meeting of the City Council, City of Audubon Park, was held on Monday, July 16, 2012, at 3340 Robin Road with the following present: Mayor Michael Scalise along with Council Members Cindy Habeeb, Rose Mangino, Gary Vogel, Al Huber, Judy Schwenker, and Patrick Kehoe. Also present were Major Ronald Jones and City Clerk Stephanie Lee. City Attorney Patrick McElhone along with Assistant City Attorney Jonathan Leachman as well as Chief Cox were all 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:** Mayor Scalise asked if there were any corrections, additions, or deletions to the minutes from the previous 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 Miller, 1307 Audubon Parkway – thanked everyone with great appreciation in regards to the Garden Tour that was held on Saturday, June 23<sup>rd</sup>. She mentioned the profits will go to the Forest Board, and she said it helps with programs such as the flowerbeds at Hess Lane and Oriole. She said the Park always looks wonderful for the Garden Tour, and she thanked everyone.
2. Jim Head, 1112 Audubon Parkway – thanked the Mayor and the Council in regards to the 4<sup>th</sup> of July Parade. He said he enjoyed it, and he said he thought it was a good idea.

Mary Miller commented about not getting any notice regarding the Parade.

Pat Kehoe apologized, and he said he passed out flyers with seven kids. He said they were about 25 short (saying they wanted to make sure to get the homes with children), and he said some of the flyers may have blown off porches with not being able to place them in mailboxes.

3. Jack Conlin, 3318 Oriole – spoke about the ongoing “neighborhood” issue he has had in regard to a dirt berm his neighbor constructed. He said he wanted to appeal to the Council Members regarding the problem. He said MSD already knows there is a problem with drainage, and he said it may be five years before they can come here to resolve it. He said the work was done in the dark and without a permit. He said he should be cited and told to remove

the dirt berm. He said he's not going to go away; and he said if the problem is not resolved, it will escalate. He said he needs help. He later added he only has so much patience, and he said to him this is a no brainer with the violation of codes. He said what he has done is not right, and he said he feels like the bad behavior is being rewarded because nothing is being done.

Mayor Scalise said he is working on it; and Mr. Conlin said he knows he is working on it, but he said it's been three months.

Judy Schwenker inquired about how long ago this was done, and Mr. Conlin said he wants to say it was 2010. She added that she agrees something needs to be done, but she asked Mr. Conlin to give them some time to work on it.

Gary Vogel inquired about the Kapp's water draining over onto the neighbor's property along with the water coming down the road. He questioned as to if that is the reason he put the dirt berm in.

Mr. Conlin said they are all getting the water, and he said it's been like that for about 25 years (mentioning the basement sump pump drainage). He said there was not an issue until the dirt berm was put in.

Rose Mangino said a representative from the Water Company had come to her house, and she said they don't care where it drains. She said they just want to take the sump pumps out and drain it (even if it drains onto your neighbor's property). She said they just ignored it, but she said you cannot expect everyone to just ignore it.

Pat Kehoe inquired about contact the City has had with MSD, and Mayor Scalise said he had talked to them the previous week. He said they are supposed to be sending the Hearing notes (via email) for the City Attorney to review.

Mr. Conlin said he was told after the first week (three months ago), there was a letter drafted to be reviewed by the City Attorney.

Mayor Scalise said they are trying to obtain background information regarding the situation first prior to citing them to find out what the issue is.

Mr. Conlin said he finally got Mayor Scalise to come to his house about a month ago (saying about two months after he initially brought it to his attention). He said you cannot really see it from the street; you have to walk up to see exactly what he's done. He later added they used to share the water, and he said it's like what he's doing is being condoned.

Mayor Scalise said Mr. Conlin did show him. He also said he did not condone what he is doing, and he said he has just as much right as him. He said it has to be looked into without just citing him. He also said he had discussed this several times by phone and in

person. He added that just the fact that he put dirt in his backyard is not a violation of anything.

Mr. Conlin said he has restricted the natural flow of the water in the area. He mentioned what the City Handbook says. He said the only recourse he has is that he can go around this and build his own little berm. He said he's trying to go about this the right way.

Mayor Scalise said he's trying to help him, and he said he doesn't think it's proper to discuss the neighbor issues right here in the open meeting.

Pat Kehoe said he would be happy to attend any meeting with MSD, and Mayor Scalise said he's been working with Clay Calloway. He said they have been discussing other issues as well (Oriole Park line collapse, etc.).

Frank Mosser helped Rose Mangino in passing out candies she had made with the Sisters. She said it is really good, and she said they give all the money to charity.

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

Rose Mangino questioned the line on the Profit and Loss Statement – City Clerk's Office – Salaries (saying it was higher this time).

Mayor Scalise said he thinks it would include the Treasurer also. He and Gary Vogel commented about an extra pay period last month as well.

**Police Report:** In the absence of Chief Cox, Major Ronald Jones read the Police Report for the month of June. A copy of the said report is made a part of these minutes.

Mayor Scalise complimented the Police Department for solving some of the recent burglaries.

Rose Mangino inquired about the Police Officer that was hurt, and Major Jones said he is doing okay.

Frank Mosser mentioned Aspen Roofing going door-to-door soliciting the night of the meeting, and Major Jones told Mr. Mosser to call in to the Dispatch number if he saw this happening again.

Mayor Scalise said the "no solicitation" applies to anybody except for religious groups, and he said we ask them to register at City Hall. He added that we cannot make them get a permit constitutionally, but he said we do ask them to register with us.

James Head inquired about a light pole that is covered with limbs, and he said there is a light at Chickadee and Cardinal that needs to be looked at (at the Mittel's house).

Mayor Scalise said he is jotting the information down to be looked at by the Work's Department.

**Forest Board Business:** Gilbert Zinner passed out the Forest Board Report dated July 16, 2012 to the Mayor and Council for their review. He mentioned there is a cleanup day scheduled for August 11, 2012 from 9 A.M. until Noon. He said everyone is welcome, and he said they are meeting in Curlew Park.

**Unfinished Business:** There was not any "Unfinished Business" to report at this time.

**New Business:** Mayor Scalise mentioned the flagpole at the circle is back up, and he said the electric has been restored at the location. He said the insurance of the person that had the accident paid for the electric to be fixed. He added that MSD had been working under where the flagpole was, and he said that is why it was down. He went on to briefly explain the Ordinance relating to yard signs (saying contractor's signs are illegal and will be removed).

Leah Netherland questioned as to if the signs are removed from areas other than the easement.

Mayor Scalise said the Ordinance does not specify just the easement, and he read from the Ordinance again.

Leah Netherland inquired about the "DUI" sign in front of City Hall.

Mayor Scalise said that was a governmental sign required for a grant.

Patrick Kehoe inquired about "ADT" signs displayed in yards.

Major Jones said that type of sign is not necessarily an advertisement; he said it is a crime prevention technique providing information if the alarm does go off. He also mentioned lawn services using signs to warn people to stay off of treated areas, etc.

Patrick Kehoe inquired about the City of Louisville Ordinances relating to this issue.

Mayor Scalise said this is our Ordinance, and he said he is not sure what their Ordinance says. He said we are covered by Metro, but he said we can go a step further than they would.

Patrick Kehoe also inquired about fences, and Mayor Scalise said we also have our own Ordinance on that as well. He (Councilman Kehoe) commented about seeing several new fences erected lately.

Mayor Scalise said the existing fences can be repaired, but he said they cannot take the entire fence down.

Rose Mangino commented about coming up to City Hall to discuss the issue of the City's Handbook saying political, advertisement, or business signs are discouraged; and she said it does not say they are against the law. She said she would not be happy if they came and took hers down after reading the City Handbook.

Mayor Scalise said complaints nine times out of ten are about people not wanting to see signs up.

Rose Mangino said she had gotten a paper from Major Jones, but she said she is telling the people that she can understand the misunderstanding. She said when she was speaking with the Mayor, the Officer gave her a copy of the Ordinance; and she said she told them they need to put out a new City Handbook.

Major Jones said just so everyone is clear, the Police Department does not go by a Handbook in enforcing laws. He said they go by Kentucky Revised Statutes and the legally adopted Ordinances of Audubon.

Mayor Scalise commented about Rose Mangino inquiring about a swimming pool being drained out into the street while she was at City Hall. He said he checked on it, and he said our Ordinance specifies that a drain has to be connected to a sanitary sewer prior to putting in an in-ground pool or hot tub. He added that MSD enforces swimming pools being drained into the street with that being a low priority for them.

Frank Mosser inquired about the sign Ordinance being illegal in regards to the freedom of speech (pertaining to political signs).

Mayor Scalise said the City does not control political signs because of that. He said there are exceptions such as for rent, for sale, yard sale, etc. as well.

Mayor Scalise mentioned he has a meeting scheduled with a State Representative next week in regards to street paving. He said this may be the beginning of the process.

Mayor Scalise said he passed out repair estimates from contractors on mainly the roof (some include siding) at City Hall. He went into an explanation of the estimates discussing the roof shingles, color samples, siding color (white), damages and matching up siding, basic contractor information, BBB membership, insurance coverage, local roofers, etc.

At this time, the Council took a recess to go outside to view the damage and review color samples, etc.

After returning to session, Mayor Scalise said the consensus of the Council was that they liked the onyx black first and the state gray second, and he said they decided to talk to the

adjustor more before making any definite decisions. A further short discussion took place regarding the estimates, the process in deciding, damage costs and coverage, and calling local contractor Jack Green.

Patrick Kehoe mentioned some of the regular employees using police lights at the flagpole circle.

Major Jones said the employee was operating in the geographical area of the City (gave example of report takers and accident report takers with Louisville Metro).

Mayor Scalise said he was not moving, and Patrick Kehoe said he was standing outside the vehicle (saying he just did not want the City to get sued).

Patrick Kehoe said he heard a rumor that one of the residents had inquired about information, and he said he thinks it is crossing the line for one of our representatives to go to that person's place of employment and question them about that. He added that it was someone on one of the Boards, and he mentioned lawsuits and being careful.

Mayor Scalise said he heard about that, and he said he did not go there with any City authority. He said nothing from the City asked or told him to do that. He said he did it on his own.

Patrick Kehoe asked if Mayor Scalise said anything to him about it, and Mayor Scalise said not yet; he had not seen him since.

Patrick Kehoe asked Mayor Scalise if he thought it was right that he did that.

Mayor Scalise said he did it on his own and was not representing anyone.

Patrick Kehoe said it is hard for him to do that and not be representing the City.

Al Huber mentioned his not having credentials to show, and he said you cannot stop someone from talking.

Gary Vogel said there are two sides to every story.

Mayor Scalise said he has not seen him since, and he said he will talk to him about that.

**Mayor's Report:** There was not any other information to be covered by the Mayor at this time.

Gary Vogel made motion to adjourn the meeting. Al Huber seconded, and the meeting was adjourned.

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ATTESTED

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APPROVED