

**City of Brownsboro Farm
Regular Commission Meeting
Tuesday, February 9th, 2010**

A regular meeting of the Brownsboro Farm City Commission was held on Tuesday, February 9th, 2010 at the Brownsboro Farm Community Center. Mayor Mosher called the meeting to order at 7:38 p.m. Present were Commissioners Tim Quinn, Marc Salmon, David Watson and Doug White, Mayor Mosher and City Clerk Dennis Branson. Residents Bob Bale, Charlie Spencer, Nancy Loring and Michael Loring were also present.

The meeting was called to order at 7:38 p.m.

Agenda modified to add USAA Pool Update and existing fence issue moved up to Salmon.

The Minutes from January were approved.

The Financials from January were approved.

Mayor Mosher

Mayor Mosher gave a brief summary of the existing fence issue. He is looking to see how we are going to proceed to resolve the matter. The fence in questions was damaged and the entire fence was replaced and there was a question on whether the fence was violated the city's ordinance. Mayor Mosher and Commissioner Salmon talked to the resident and told him that the fence was inside out and that he had not followed precedent or protocol. Mayor Mosher and Commissioner Salmon discussed reasonable options which would bring the fence into compliance with precedent. Since the city had previously approved a "picture frame" fence style, they felt that that could be acceptable. They suggested that the resident could modify his fence to that style. Mayor Mosher asked that he wait until this was presented to the Commission for review, but the resident went ahead and made the change.

The commission believes that most, if not all, of the existing ordinances are dated and up for a review to bring them into current standard. The fence ordinance has been rewritten and passed in late 2009. The commissions' goal is to present a revision to an existing ordinance at each city meeting. Mayor Mosher said that the remaining issue is whether the resident who constructed the fence made a good-faith effort to bring his fence into compliance with existing precedent. The neighboring residents say that the side facing their yard is not acceptable and doesn't meet the ordinance. The residents do not feel that the fence owner has made meaningful changes to the fence. Mayor Mosher sought legal counsel on the previous fence ordinance and had been told that it was vague to a fault and was not specific enough to enforce without explicit guidelines. Precedent can act as a suitable guideline, though it may be insufficient to be legally enforceable. Mayor Mosher and Commissioner Salmon reiterated that, as an executive body, the commission does what it can to act within the parameters of the law, but in terms of disputes between neighbors, that a resolution or compromise between neighbors is the suitable preference. The residents said that the commission has forced 2 other residents to modify fences. Commissioner Salmon clarified that one was built on city property and enforceable under Metro Ordinance and the other was a modification to its structure. Commissioner Salmon is on record saying that the resident had built the fence in error and has told the resident that.

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The resident said that nothing has been done on the backside and invited the commissioners to come to see the fence. This was a rebuild and the neighbor never came to the commission and asked for permission or a permit to build the fence.

Commissioner Watson asked what options we have. Mayor Mosher said that we have two options. One option is take legal action. Our city attorney does not think that we can win based on the previous ordinance. Option 2 is to determine if the resident came up with a good faith effort to come into compliance. The city does not want to spend additional resources on a case that we cannot win. Mayor Mosher said that he has been in contact with the city attorney and does not believe it is in the city's interest to pursue legal action.

Commissioner Salmon

Commissioner Salmon reported that we have a \$93.47 refund from Adult party.

Commissioner Salmon gave the second reading of the new garbage/rubbish ordinance. Mayor Mosher made motion to accept revised ordinance KOC 1000.2/30-82. The motion was seconded by Commissioner Watson and passed unanimously.

Commissioner Watson

Commissioner Watson made a motion to allocate funds from line 54200 – Parks & Rec. Social in the amount of \$250.00 to pay for the Easter Egg Hunt. The motion was seconded by Commissioner White and passed unanimously.

Commissioner Watson made a motion to allocate funds from line 55120 – Pool – Maint & Repairs in the amount of \$200.00 to pay for signs for the pool. The motion was seconded by Commissioner Salmon and passed unanimously.

Commissioner Watson made a motion to allocate funds from line 54150 – Parks & Rec. Maint in the amount of \$560.00 to pay for preventative spraying of the Ash Tree in the Park. The motion was withdrawn due to lack of a second.

Commissioner Watson made a motion accept a new maintenance Contract from David Self Lawn Service in the amount of \$14,602.25. The motion was seconded by Commissioner Salmon and passed unanimously.

Commissioner Watson made a motion accept a new pool Contract from Kentuckiana Pool Mgmt in the amount of \$21,124.00. The motion was seconded by Commissioner Salmon and passed unanimously.

Commissioner Quinn

Commissioner Quinn announced that we are going to introduce the new city website this Saturday from 1-3. The website address is www.brownsborofarm.org

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Commissioner White

Commissioner White stated that he wanted to make sure that we have all payments to Flynn Brothers for the Park Path.

Parks Board

They are going to have the furnace looked at in the Community Center to make sure that it is repaired.

The Parks Board reported that we need signs for the park path. We need a Stop sign and a handicap sign. We need two above ground handicap signs for the parking lot.

They suggested dedicating the park path during the Memorial Day parade. The parks Board received an estimate for \$285 to tear down the fences near the park and haul away the debris. Commissioner Watson will talk to residents to see if they want to maintain them.

Mayor Mosher

Mayor Mosher has set up a meeting with The American Red Cross to go over disaster preparedness on February 11th. He is seeking funding for a generator for the Community Center.

Mayor Mosher gave an update on the USA Pools issue. They have skipped state and we have been trying to get current counsel to collect. Our present counsel in Georgia is going to remove himself as council since he cannot devote the time to it. We are not looking at replacement counsel.

The original judgment was for \$58,000. With interest it is now in excess of \$98,000.

The meeting was motioned and adjourned at 9:10 p.m.

Joshua Mosher, Mayor

Dennis Branson, City Clerk