

THE PARK HILLS CITY COUNCIL HELD A BUSINESS MEETING ON MONDAY, JUNE 12, 2017 AT 7:00 P.M. AT ST. JOSEPH HEIGHTS, 1601 DIXIE HIGHWAY WITH MAYOR MATT MATTHEW MATTONE PRESIDING  
COUNCILMEMBERS PRESENT: PAMELA SPOOR, KATHY ZEMBRODT, JASON RESER, KARL OBERJOHN AND STEVE ELKINS  
ABSENT: GREG CLAYPOLE  
ALSO PRESENT: CITY ATTORNEY, TODD MCMURTRY

Call to Order

Pledge of Allegiance

Roll Call

Motion to approve the May 8, 2017 minutes, after amendments, was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes Motion to approve May 22, 2017 meeting minutes, after amendments, was made by Mr. Oberjohn; second by Ms. Zembrodt. Roll call: Ms. Spoor; aye, Ms. Zembrodt; aye, Mr. Reser; aye, Mr. Elkins; abstain, Mr. Oberjohn; aye  
Mr. Elkins was not present at the May 22<sup>nd</sup> meeting.

#### I. Petitioners

A. Mr. Mike Conway was unable to make the meeting. Ms. Sue Bennings gave a report from the Tree Board. She began by saying the Tree Board and the city have been going back and forth regarding city Ordinances pertaining to trees. She added that most of the city is forest which contains many old, dead trees that can create many problems. Homeowners, she believes, should take responsibility for their trees. If a tree falls on someone's property, it becomes the responsibility of that property owner, not the owner of the tree. Although there are Ordinances in place regarding public property, there isn't really anything that addresses issues between neighbors. She stated the Tree Board would like to send out a public service announcement to residents to inspect their trees (she passed out a draft copy to Mayor and Council). She added, she would like the Tree Board to be the initiator of any problems but that this needs to be decided by Council. She stated Mr. Mike Conway was going to contact other local cities to see how they deal with similar issues. She believes the existing Ordinance needs to be amended to address neighbor to neighbor issues.

Mayor Mattone stated he met with the Tree Board at their last meeting and then discussed with the city attorney how to use the Ordinance already in place. Mr. McMurtry stated that the existing Ordinance addresses all dead/threatening trees no matter where they are. He added, the PDS and the police department have the ability to site imminent threat properties and use the enforcement method outlined if there is no compliance by the property owner. Ms. Bennings would like to see the legislation included along with the citation. The attorney added that this is a fairly new Ordinance and the process needs to be worked through.

Mr. Gray stated residents are able to go to the PDS website to report problems they observe. Ms. Spoor asked the attorney his opinion on whom to contact first. He replied that the city may handle the issue more quickly; PDS is also able to handle as well.

Ms. Sarah Froelich, Alhambra Court, stated she is dealing with a neighbor's tree issue. She said she contacted PDS who told her they would send a letter, but there would be no recourse. Mr. McMurtry stated he doesn't know why PDS would tell her that and asked Ms. Froelich to call him to discuss.

Ms. Gerrein, 1053 Montague Road, approached Council to say she has had issues with the neighbor's trees behind her. She stated, at one time, a tree fell on her home causing around \$5,000 worth of damage. The house sold and she stated she has sent the new owner certified and regular letters advising them of the problem tree. She said he came out and cut up some of the dead tree that was already on the ground. She said she then contacted Mr. Chris Preston with the PDS and he came out and took pictures. After that, she said Duke sent someone over to the area to document the dead trees. She is glad to see something finally getting done.

Ms. Bennings would like all residents to receive the public notice regarding problem trees. Mr. Oberjohn suggested including it in the upcoming newsletter which is mailed out to everyone. Ms. Bennings also reminded Council that volunteers take care of areas in the city such as maintaining the corner of Dixie and Arlington and watering the plants in front of the businesses. She would like to see much of this taken over by the city instead.

II. First Reading; Ordinance No. 9, 2017; proposed 2017-2018 budget. Mayor Mattone thanked everyone on the Financial Oversight Committee who worked on putting the budget together. He added the committee retained the services of Mr. David Baker to help formulate a long term assessment and cash flow analysis. Expenses will need to be tightened up to make future capital purchases; savings of around \$100,000 per year are needed. Ms. Spoor added, the committee was very conservative in preparing the budget; budgeting higher in expenses and lower in revenues.

Ms. Zembrodt added that Mr. Baker said the budget looked sound for first reading and that the committee accepted his cost to do the analysis. Expenses need to be watched and revenues increased.

Mr. Reser also thanked everyone on the committee. He added, for the most part, the budget is sound and that Mr. Baker saw no big problems for the short term but sees the numbers coming closer between expenses and income. Mr. Reser added that over the last 5 years, the city has averaged about \$48,000 over budget for professional services. He believes we will begin spending more that we take in. Mr. McMurtry believes his firm has held tight to their estimates. The Mayor added the cost of engineering may go up do to more road projects.

Mr. McMurtry read Ordinance No. 9, 2017 in summary.

Ms. Spoor thanked the department heads for managing their budgets so well.

III. First Reading; Ordinance No. 10, 2017; amended 2016-2017 budget was read in summary by Attorney McMurtry.

IV. First Reading; Ordinance No. 11, 2017; vicious animals was read in summary by Attorney McMurtry

V. Ordinance No. 12, 2017 first reading was tabled. Not in Council packets.

VI. Resolution No. 2, 2017 extending Bromley contract for police service through June 30, 2025 was read in summary by Attorney McMurtry. Motion to accept Resolution was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes  
Chief Stanley explained that the \$100,000 fee would remain the same for the entire contract. He added, the cost to patrol Bromley is around \$56,000 - \$60,000 per year which leaves the department a profit. He said other agencies have given an interest in covering Bromley but they are happy with the services provided by Park Hills. If unforeseen costs arise, the contract can be negotiated. The Mayor added that the left over money can be used for cruisers and/or to cover the cost of the police personnel.

VII. Department Reports

A. Police Department – Chief Cody Stanley

Chief Stanley said he has spoken with Mr. Preston of the PDS and he was advised the building on Audubon set for demolition is boarded up and secure.

Chief Stanley stated he told the owners of a dog that killed another dog that they have to remove the dog from the city. The owners asked to appeal the citation saying the incident was not entirely their dog's fault. Attorney McMurtry stated he would look into it and get back with the Chief regarding an appeal process, if allowed.

Chief Stanley reminded everyone of the police department festival scheduled for next Saturday, June 24<sup>th</sup> from 12:00 – 4:00.

B. Fire Department – Chief John Rigney

The fire department report was sent to Council earlier; the report includes the monthly totals.

- There were 38 calls received during the month of May. The incidents are broken down by type on his Activity report.
- Firefighters Elijah Mays and Zack Elkins (son of Councilman Steve Elkins) successfully completed the Northern KY Regional Fire Recruit Class. Mark Guttridge and Sam Lange successfully completed KY EMT Certification training. Congratulations to all!
- Joint rope rescue training was conducted with Ludlow and Ft. Wright departments.
- Yearly fire inspections of all businesses and multi-family dwellings will begin this month.
- Remind all residents to be aware of the Burn Ban which is in effect from May 1<sup>st</sup> through September 30<sup>th</sup>.

C. City Engineer – Jay Bayer

Mr. Bayer was not present at the meeting. Mayor Mattone went over his report.

**Projects in Construction Phase**

**Altavia Reconstruction Project**

Fred A Nemann Company has completed the project and requested final payment.

**Aberdeen Reconstruction Project**

Paul Michel's and Sons has completed construction of the surface asphalt course. Punchlist items are being addressed to complete the project.

**Projects in Design Phase**

**1208 Audubon Road Storm Sewer Project 1**

Duke Energy's subcontractor has cut down trees within their easement to protect their facilities. The debris has not been removed. Once the last easement is signed, the remaining trees and debris can be removed and the project will be bid for construction to start.

**North Arlington Road Improvement Project**

Duke Energy is designing the relocation of their gas main with this project. Bayer Becker is working on the design of the water main. Upon completion of the gas main and water main design, the project can be bid for construction.

**Jackson Road Improvement Project**

The existing water main has been field located. Bayer Becker is working on the roadway and storm sewer design of Lower Jackson.

**Old State Road Sidewalk**

The project has been bid for construction. Bayer Becker recommends the low bidder, Len Riegler Blacktop Company for council approval. See attached bid summary. Following approval of the contractor, a pre-construction meeting can be scheduled so that construction of the sidewalk can begin.

**Private Projects in the City**

**Audubon Forest Project**

3/2/17 Contractors moved equipment on site

3/6/17 Clearing of trees began. Clearing is expected to last several more weeks

3/23/17 City was notified that that burning would begin on 3/27/17

Ms. Zembrodt gave a brief update on her meeting with Mr. Berling:

- Demolition of home is to take place on June 19<sup>th</sup>
- Grating should take a couple of months; hope to finish in the fall
- Work was delayed due to weather and contractors tied up with other projects
- Water will be on site for dust control
- The large trees will be cut up and hauled off when the road is put in
- Homes should be built within a two year period
- SD1 will take care of erosion and make sure there are no issues with the surrounding areas
- There will be two contractors for dirt removal

Mr. Berling will reach out to Ms. Zembrodt regarding the timeline of the above phases. Mayor Mattone asked that Ms. Zembrodt forward these meeting notes to the Berling Delegation.

Len Riegler Blacktop was the low bid for the Old State sidewalk project at \$72,835.50; well under the original estimate as stated Ms. Zembrodt. Len Riegler was recommended

by Mr. Bayer and the Infrastructure Committee. Motion to accept Riegler's bid of \$72,835.50 was made by Ms. Zembrodt; second by Mr. Oberjohn. Roll call: all ayes

D. Public Works – Daniel VonHandorf

Mr. VonHandorf thanked everyone for another month.

He thanked everyone who helped with this year's Memorial Day Parade and also asked that everyone thank a Veteran when you see one.

Audubon storm water project: Duke took down some trees and are getting bids to remove the debris.

Covington is wrapping up the clubhouse construction and discussion turned to the mill and overlay of a section of Park Drive up to where it meets Devou Park. Mr. VonHandorf received an estimate from Len Riegler for the mill and overlay and to put in 140' of sidewalk to connect to the Covington sidewalk in the park.

The Mayor explained that Len Riegler is doing the mill and overlay for Covington and could also do Park Drive while they are here. The sidewalk would extend the pedestrian path from the park to the existing sidewalk on the downside of Park Drive.

Mr. VonHandorf stated he would recommend just doing the down side for now as there are many obstacles involved on the other side of the street. Mr. VonHandorf stated the mill and overlay would help with water issues the street has been experiencing since the clubhouse project began.

Ms. Zembrodt questioned why Covington was not responsible for taking care of the water issues. Mr. VonHandorf replied they are taking care of issues on their side but believes Park Hills should be proactive to make sure these problems don't arise again. There was discussion regarding the placement of the sidewalk.

Ms. Spoor asked if the Infrastructure Committee was able to make a recommendation.

Mr. Oberjohn replied that he just received this information. Ms. Spoor stated she is fine with the mill and overlay but has questions regarding the sidewalk and would like to look at the area before making a decision.

Ms. Zembrodt asked what the timeline was; Mr. VonHandorf stated this is the last phase of the project for Covington so Riegler would like to move forward as soon as possible. Motion to put aside \$15,000 for the asphalt paving of 920 square yards out of the road fund, but hold on the sidewalk, was made by Ms. Zembrodt; second by Ms. Spoor. Roll call: all ayes

Mr. VonHandorf let Council know that 1010 Amsterdam Road was auctioned off and 1331 Amsterdam Road is set for auction.

Mr. VonHandorf wants to let people know that the equipment they see him using around the city (dump trailer and farm tractor), or after hours, is his own personal equipment and does not belong to the city.

He stated the construction traffic signs for Audubon are getting ready to be put up.

Ms. Spoor asked about the replacement of trees on Altavia Avenue. Mr. Oberjohn stated Mr. Claypole was working on this and is not sure of the status right now. Mr.

VonHandorf added that fall would be the best time to plant trees. Ms. Bennings stated the Tree Board would supply the residents with a list of trees to choose from.



The expense by Mr. Russo for repair work he did at the corner of Amsterdam Road and Altavia Avenue, was approved by the Infrastructure Committee.

Mr. Russo submitted an invoice of \$433.85 for materials and labor for the repair. Mr. Oberjohn stated Mr. Russo's property was damaged due to the Altavia Road project. Mr. Russo's first email regarding the damage was in November and a temporary fix was completed to direct the storm water. The fix turned out to be ineffective; Mr. Russo requested updates of the repair. Repairs were again made but heavy rains at the end of April washed away those repairs as well. Mr. Russo then took it upon himself to fix the problem. Mr. Oberjohn's concern is that Mr. Russo completed the work and submitted an invoice without the city's approval. Mr. Oberjohn said he does not want to set a precedent for others. He did say, however; he is willing to approve an expense of \$113.85 for materials purchased but only \$160.00 for labor; this is a rate of \$10 per hour, the same as Mr. VonHandorf's assistant.

Ms. Spoor replied that she is glad Mr. Russo was finally able to obtain a solution to his problem and that, in her opinion, Mr. VonHandorf's assistant is underpaid. She does not believe Mr. Russo's requested amount is unreasonable and that hiring a contractor would have cost much more. Mr. Elkins reiterated that Mr. Russo said his repairs were temporary and that something else would probably need to be done in the future.

Motion to accept invoice as submitted by Mr. Russo was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: Ms. Zembrodt; aye, Ms. Spoor; aye, Mr. Reser; nay, Mr. Elkins; aye, Mr. Oberjohn; nay Motion carried

Mr. Russo commented that no one ever asked him to submit an estimate.

#### E. Finance Department – May

Motion to approve financial reports was made by Ms. Zembrodt; second by Ms. Spoor. Roll call: all ayes

Motion to pay the Road Fund invoices in the amount of \$55,687.50 and the Municipal Road fund invoices in the amount of \$5,872.30 was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

#### VIII. Delegation Discussions

A. Mr. Lange asked about the temporary pole on Jackson referred to at a committee meeting. Ms. Spoor replied the pole was replaced this week. Mr. Lange stated he was unable to make the TBNK meeting on May 17<sup>th</sup> but that the auditor, John Chamberlin, stated the board was in good standings.

Due to the resignation of the TBNK board chair, Mr. Lange was elected as the new chair. Congratulations!

B. Mr. Gray stated the board did not meet last month as there were no citation appeals. As of now, there are 22 citations throughout the county with Park Hills having three:

- 1010 Amsterdam Road has been cited for seven violations totaling \$5,600. If the fine is not appealed, it will go to final order. With the passing of HB42, the city should receive the money before the bank. Mr. McMurtry stated he was not sure of the status of the property

- 1331 Amsterdam Road, last owned by Mr. Davis, has been fine \$3,200 for its third citation
- 1064 Emerson was cited for an unsafe structure, rubbish and debris. Fines are at \$1,600. Mr. McMurtry stated if the property went through foreclosure, fines will not attach to the property; foreclosure wipes off liens. He will update.

#### IX. Committee Reports

##### A. Historical Preservation Committee

Ms. Spoor asked Ms. Holmes to give an update. Ms. Holmes was pleased with the t-shirt sales at the parade. She said \$250 was raised and the extra shirts, about 20, would be available for sale at the city building in the clerk's office.

She added that the committee was able to do some casual surveying during the parade by talking with residents. The committee will meet again on June 21<sup>st</sup> to go over their top three goals. They would also like to do some interactive and educational things.

##### B. Communications Committee

Mr. Oberjohn would like to have the newsletter by the end of the month and any material to be added by the end of this week. He would like to include the Tree Board literature when it is finalized and any articles from the departments. Ms. Spoor would like to put in an insert regarding the photo call.

#### X. Old Business

##### A. Institutional Zone regulations

Mayor Mattone stated the PDS reviewed the Institutional zone which contains CCH and NDA and found there was no master sign plan and that they were also looking at other considerations in the zone moving forward. There are gaps in the regulations for these schools to expand like public schools.

Ms. Spoor is concerned about the cost; who pays? The Mayor stated the city usually does but that the cost could be passed on to the schools. Ms. Spoor stated she would be in favor of this and wants to be sure the schools understand. Discussion will be tabled until the city receives an estimate for this from the PDS.

Ms. Spoor stated she met with Mr. Tom Schutzman, CCH board member, about completing their obligation in regards to the tennis courts and neighboring homes. He stated there were 60-70 shrubs and bushes planted with another 30-40 to be put in behind the homes on Old State.

#### XI. New Business

A. Sidewalk plan (Park Drive to Devou Park): covered earlier in the meeting


B. The Mayor's Group meeting is scheduled for Saturday, June 17<sup>th</sup> at 9:00 a.m. at the Crescent Springs City Building.

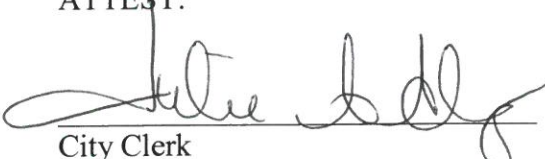
C. The heroin door hanger walk with Judge Knochelman is scheduled for Saturday, July 8<sup>th</sup> beginning at 9:00 a.m. Park Hills is the sixth city to participate. Anyone interested will meet and break into groups to cover all the streets in the city. Walkers will

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hang informational material regarding heroin, and how to get help, on the doors of residents. Once all the information regarding the walk is final, it will be sent out to everyone. The walk should last about an hour depending on the number of volunteers.

9:32 Motion to adjourn from Business Meeting made by Mr. Elkins

  
\_\_\_\_\_  
Mayor, Matt Mattone

ATTEST:  
  
\_\_\_\_\_  
City Clerk