

THE PARK HILLS CITY COUNCIL HELD A BUSINESS MEETING ON MONDAY, JANUARY 9, 2017 AT 7:00 P.M. AT ST. JOSEPH HEIGHTS, 1601 DIXIE HIGHWAY, WITH MAYOR MATT MATTONE PRESIDING. COUNCILMEMBERS PRESENT: PAMELA SPOOR, KATHY ZEMBRODT, STEVE ELKINS, KARL OBERJOHN, GREG CLAYPOLE AND JASON RESER
ALSO PRESENT: CITY ATTORNEY, TODD MCMURTRY AND CITY ENGINEER, JAY BAYER

Mr. Elkins began the meeting with prayer.

Call to Order

Pledge of Allegiance

Roll Call

Mayor Mattone began by thanking the Sisters of Notre Dame for allowing the city the use of their facility for this, and all Council meetings moving forward.

Each Council member took a moment to introduce themselves and also thank the Sisters. They also thanked the residents for their continued support and votes.

Motion to approve the December 12, 2016 meeting minutes was made by Mr. Oberjohn; second by Ms. Spoor. Roll call: all ayes

Ms. Spoor asked to speak before the petitioners began. She stated she was aware that many in attendance tonight were there because of the second reading of the conservancy Ordinance on the agenda. She went on to say, Council would not make a motion to vote on it but it remains on the agenda for discussion.

Mayor Mattone reminded petitioners to be professional and respectful. Each petitioner will be limited to two minutes to speak.

I. Petitioners

A. Mr. Mark Cooper, Audubon Road, was the first to speak. He began by saying; his statements are in reference to the November 28, 2016 Caucus Meeting and the December Business Meeting. He states the conservancy was openly discussed at both meetings. He states the purpose of the Park Hills conservancy is to protect and preserve the few remaining green spaces in the city; mainly the trolley line and the six acres donated by Mr. Berling at the end of Audubon Road. He says the conservancy's formation, purpose and goal was openly discussed. He says Council openly discussed its intention to proceed with an emergency Ordinance at the upcoming December meeting; as reflected in the minutes. He stated Mr. Claypole's requests to have residents notified of the meeting were ignored by the Mayor. He stated a facebook campaign was begun by the Mayor and Mr. Reser which, he believes, did not honestly address the facts of the conservancy.

B. Mr. David Russo addressed Council asking if the agenda could be put out sooner than the Friday before the meeting; perhaps a week. Mayor Mattone stated he would work on making this happen.

C. Ms. Lu Ann Holmes began by issuing a warm welcome to the newest Council members. She went on to thank Council for removing the emergency part of the conservancy Ordinance from last months' meeting. Her concerns are that Park Hills be mindful to conduct its business in a way that doesn't diminish its marketability to others considering a move to Park Hills and enhance the likeability factor for those who live here. She was, however, disappointed the matter was not tabled entirely. She asks how the city has this conservancy at all. She stated nowhere, in the minutes she read, did she find a consensus among Council members and the Mayor about the approach to the conservancy. She added she was also concerned about the 501(3)c status process which could perhaps take up to twelve months.

D. Ms. Cooper Ambjorn was next to speak. She began by saying the conservancy was legally established on the 9th of December. She asked how, on November 28th, were any residents able to fully understand all the conservancy issues. She states she does not have a problem with a conservancy, only the way this one was so hastily organized. She asked Ms. Spoor to recuse herself from any future votes concerning this conservancy. Ms. Spoor stated she would be happy to do so. Ms. Ambjorn believes leasing would be a viable option. She is happy the Ordinance is not up for a vote today but urged Council to consider that the first reading may be nullified given that an amendment was made to an Ordinance that had been publically posted without due process by which the citizenry could review the new, amended Ordinance.

E. Ms. Joan Hackett stated she was alarmed the city Council is still pursuing turning over city property to private individuals. She believes the management of all the city's resources should remain with the Council and its citizens. She went on to say, any decision about the future use, or non-use, of the trolley line property should be made by the citizens and city Council and not the conservancy.

F. Ms. Stella Snowden, 1008 Rose Circle spoke next. Ms. Snowden proposed to Council that they consider handling this topic, and other topics in the future, sort of how Villa Hills handles the Villa Madonna property. They use residents on a task force which holds public meetings.

G. Mr. Stuart Morrison, Old State Road, asked if the Ordinance regarding the conservancy was amended and, if so, has it been posted to the website. Mr. Morrison stated he is opposed to the Ordinance. He does not like the idea of taking public land out of the hands of the officials and turning it over to five men appointed by Dick Spoor. He believes they are shrouded in secrecy by a confidentiality clause and are free to choose what happens to the land. He stated that a majority of three people with no duty or obligation to the public trust are authorized to 'dispose of the property by lease, sale, exchange, transfer or otherwise without authority of any court or judge to sell or even give away the land'.

H. Ms. Gretchen Stephenson, 1014 Rose Circle, was next to speak. She doesn't believe the debate and conversations regarding the conservancy are divisive. She stated this is democracy at work. She hopes Council members will recognize the citizens' passion regarding this issue not as being divisive or disrespectful, but as concerned citizens who are tuned in and want to make sure their voices are heard. She went on to say, she is completely opposed to the conservancy. She believes, as written, it has many things wrong which she shared with Council via email. She submitted a petition that was circulated online containing 82 signatures opposed to the conservancy. She believes the city has time to consider other ideas.

I. Kevin Theissen, 1215 Audubon Road, lives along the trolley line and was happy to see so many in attendance who do not live along the line. He stated about five to six months ago he began attending the Council meetings because of the proposed Audubon Forest development which is right next to his home. He believes the conservancy came up because of the six acres donated by Mr. Berling. He knows there are issues with the conservancy but believes the city needs to do something with the six acres. He worries that future administrations can do whatever they want with the land.

J. Sheila Dean, 1225 Old State Road, stated she sent an email to Council this morning but has not received a response. She is concerned the trolley line could include the city building and Trolley Park. She believes there is plenty of time to decide what to do with land. She hopes that everyone on Council read the Berling agreement before signing off on it on November 14th in the form of a Resolution.

K. Liz St. Onge spoke on behalf of the Park Hills Civic Association of which she is president. She doesn't know the details of the conservancy but wants to make sure the Association is not going to lose the freedom to use the green spaces.

II. Second Reading; Ordinance No. 25, 2016 amending the zoning Ordinance to add a definition for 'Block Front' and amend variances for front and side yards in Residential Zones was read in summary by Attorney McMurtry. Motion to adopt Ordinance was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

III. Second Reading; Ordinance No. 26, 2016 was read in summary by Attorney McMurtry. Motion to accept second reading made by Ms. Spoor; second by Ms. Zembrodt. Discussion followed:

Ms. Spoor asked to clarify some inaccuracies that have been circulating about the conservancy; its formation and intention. She stated she appreciates everyone coming tonight, especially Gretchen (Ms. Stephenson) who has been very forthcoming and candid. She wants residents' input. Ms. Spoor continued; her concern is green space in the city and to preserve it exactly as it is today. It is open to the public and walkable as it has been since it was given to the city by the Green Line Company. The structure of a conservancy is to have a body/organization of people who are limited by their articles of incorporation and by-laws. Their duty is to preserve this land for the benefit of residents. When land enters a conservancy, there are restrictions on the deed. Land can enter a

conservancy in three different ways; an easement, lease or deed. The restrictions placed on the donations trump everything. The donor makes a statement of what they want to see on the land. This is called covenants running with the land and that governs how the land is preserved and conserved. There is no way that a conservancy can ignore that. These organizations exist to protect the green space for the residents and preserve it in its current form. She brought up the fate of the six acres donated by Mr. Berling. Even if this administration leaves the land as it is, it is not known what the future administrations will do with the land. Her question is; if in fact the cities, and the elected officials, are the best stewards of this space, why then do we have big chunks missing in the trolley line? They have been sold off by prior administrations. Why then, in our neighboring cities such as Ft. Mitchell, is the former trolley line a Toeppen subdivision, a Drees subdivision, Iris Park, a subdivision, a Mercedes dealership and a Kroger shopping center? The same scenario exists in Ft. Wright. City officials change; cities have financial needs and just because we like how things are now, that doesn't mean that in five or ten years the administration keeps this a green space. The six acres donated by Mr. Berling were originally intended for estate homes which had high price tags. She would like the value of this property to stay with the city. Ft. Thomas has had a conservancy in place for about 25 years. Another benefit of a conservancy, she stated, is that private residents can donate land into the conservancy which becomes available for the benefit of the public.

Mr. Elkins thanked Ms. Spoor for all her work on the conservancy and understands most want the green space to be protected, but wants to consider other options such a conservation easement. Ms. Spoor stated an easement is pretty much the same thing. Ms. Spoor added a city always has the right of imminent domain. Mr. Elkins believes this needs more discussion.

Mr. Oberjohn understands the appeal of a conservancy. He added, for many years we have designed our city without a comprehensive plan. Residents are unaware of the city's vision, or if it even has one. A plan/vision for the purpose of green space, plans for the roads, connecting sidewalks and developing businesses. He feels that without a comprehensive plan, Council is designing the city all by itself. He doesn't blame the public for not trusting that model. He asked the city look more into what is going on in Villa Hills as Ms. Snowden mentioned earlier. He wants planning of the city to be more inclusive rather than exclusive and believes giving the city's land to a conservancy is a step in the wrong direction.

Mr. Claypole thanked everyone for coming and said that Council does listen to them.

Ms. Zembrodts added that the conservancy was brought up because of the Berling development and the people that petitioned about the trolley line. This shows there are people with other points and other concerns. She wants residents to feel safe and not want to move. If Council would have tabled the conservancy at the last meeting, there wouldn't be a discussion. Now the door is opened to have further discussions.

Ms. Spoor added that when this was discussed at the Caucus meeting, she asked that the documents be put on the website. She would like all Ordinances to be discussed be put on the website. Mr. McMurtry stated most of the Ordinances originate out of his office and anyone can request a copy.

Mr. Reser also thanked everyone for coming out. He knows people are concerned about what is going to happen to the trolley line and the six acres. He would like to take some

time to create a vision with more public input and then take a course of direction. He doesn't believe anyone wants to see the land developed, but want to see it as a shared public space. Discussion took place regarding what tabling an Ordinance means. Motion to table Ordinance No. 26, 2016 was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

VI. First Reading; Ordinance No. 1, 2017 making Aberdeen Road One-Way was read in summary by Attorney McMurtry.

V. First Reading; Ordinance No. 2, 2017 repealing Vacant Property Registration Ordinance was read in summary by Attorney McMurtry.

VI. Emergency Reading; Ordinance No. 3, 2017 amending location of Council meetings was read in summary by Attorney McMurtry. Motion to amend the Ordinance and change the word "Hilton" to "Dixie Highway" was made by Mr. Oberjohn; second by Ms. Spoor. Roll call: all ayes
Motion to adopt Ordinance was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

VII. Municipal Order No. 1, 2017 appointing Richard Lange as Representative to the TBNK for a two year term was read by Attorney McMurtry. Motion to accept Resolution was made by Mr. Elkins; second by Mr. Oberjohn. Roll call: all ayes

VIII. Department Reports

A. Police Department – Chief Cody Stanley

Chief Stanley went over the phone system quotes with Mayor and Council. The first quote from NorCom is a hard wire system \$13,011.07; Verizon is not. If either the fire or police department needed to move locations, Verizon would be able to pick up and go as opposed to NorCom. Chief Stanley stated he has trouble transferring calls and with the voice mail. He would like another phone added for Lt. Webster. He stated the new phones would have apps that would allow calls coming through the business line to be transferred to cell phones. The hard wire system is more expensive due to some initial needs of the fire department. After talking with Verizon, Chief Rigney's concerns were addressed and their phone system would work fine for his department. Verizon does not charge a fee for service. Mr. Reser stated his Verizon is not always reliable in this area. Chief Stanley stated he has never had a problem with them and that the county uses them also. If there is a problem with service, Verizon would provide them with an amplifier. The quote from Verizon of \$1,226.98 would cover the entire city building. Chief Rigney stated the system would help them greatly and provide better reception. The air cards are also on Verizon. The phones would all be desk phones. Ms. Spoor asked if it would be more convenient to have cordless phones. Chief Stanley stated calls through his desk phone can be transferred right to his cell phone for mobility. Discussion took place regarding monthly fees. Chief Stanley asked if Council would like to take action tonight. Mayor Mattone stated Council could take action at either the Caucus Meeting (Special Meeting first) or at the regular business meeting in February.

Discussion regarding in car radios. Chief Stanley does not believe in car radios are needed in their cruisers. He states his portable radios work fine.

B. Fire Department – Chief John Rigney

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

- There were 32 calls received during the month of December and 492 calls in 2016 making it one of the busiest years in recorded history.
- The rear bay door opener was replaced with new unit (old unit was over 30 years old)
- (2) F.D. members will be attending advanced EMT training beginning this month.
- (4) F.D. recruit members will be attending the Spring NKY Regional Recruit class.
- Crews assisted Ft. Wright F.D. with a large garage fire.
- New AED units will be ordered for the P.D. as part of the KYOHS grant; training will be provided by the F.D.

C. Public Works – Daniel VonHandorf

Mr. VonHandorf was not present at the meeting.

D. City Engineer – Jay Bayer

Projects in Construction Phase

Altavia Reconstruction Project

Fred A Nemann Company has primarily completed the project. The city will be preparing a final punch list for the project.

Aberdeen Reconstruction Project

Paul Michel's and Sons has constructed the majority of the project. The surface asphalt course and final restoration have yet to be completed.

Projects in Design Phase

1208 Audubon Road Storm Sewer Project

The proposed storm sewer system design will be sent to SD1 for review and comment. Upon approval by SD1, easements will be prepared and presented to the property owners for approval. Anticipated bid date for the project is spring of 2017.

North Arlington Road Improvement Project

Field surveying has been primarily completed for the project. The base map is being prepared to be used for the proposed improvements. Discussion took place regarding sidewalk placement on North Arlington Road. This will be discussed further at the Caucus or an upcoming Infrastructure Committee meeting.

Cleveland/Jackson Road Improvement Project

The design portion of the project has been authorized and will begin shortly starting with utility capacity, location research and fieldwork. Bayer Becker met with SD1 on 11/23/16 to discuss the scope of the project and SD1's possible participation.

Park Hills Sign

The location of the Park Hills Sign on Dixie Highway is proposed to be within the KTYC Right of Way, City of Park Hills Right of way and an SD1 sanitary sewer easement. An agreement to allow the city to encroach on the easement has been signed by the mayor and awaiting signature by the new SD1 director to be recorded. KYTC has provided initial comments that we should not have a problem with the project. We anticipate written approval shortly.

Old State Road Sidewalk

The Park Hills Infrastructure Committee met on 9/9/2016 to discuss the possibility of constructing a sidewalk on Old State Road from Terrace to North Arlington. The committee recommended proceeding with the project.

Private Projects in the City

Audubon Forest Project

Sanitation District No.1 approved the Land Disturbance Permit on 11/21/2016. PDS has reviewed and approved the Improvement Plan Submittal on 12/23/2016.

E. Finance Department – December

Chief Rigney explained the Creighton Fund to the new Council members.

Motion to approve financial reports was made by Ms. Spoor; second by Mr. Claypole.

Roll call: all ayes

Motion to pay the Road Fund invoice in the amount of \$389.85, the Municipal Road fund invoices in the amount of \$3,270.00 and the Vehicle Fee Fund invoice in the amount of \$840.00 was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

IX. The Mayor's Group meeting will be held on Saturday, January 21st at 9:00 a.m. at the Ft. Mitchell City Building.

Attorney McMurtry stated he made a mistake when talking about the proper motion to set aside the discussion on the conservancy issue. He had previously said to make a motion to lay the Ordinance on the table; that was incorrect. Ms. Heil was correct in her statement and Mr. McMurtry asked for a motion to postpone indefinitely. Motion to postpone indefinitely the discussion on Ordinance No. 26, 2017 was made by Ms. Spoor; second by Ms. Zembrodt. Roll call: all ayes

X. Old Business

A. Discussion took place on when to have second reading of Ordinance No. 1, 2017 making Aberdeen Road one-way. Mr. VonHandorf had suggested previously keeping Aberdeen two-way until the North Arlington Road improvements are complete. Mr. Fowler, a resident of Aberdeen, believes the street has been engineered to be a one way street as it is now narrower. Ms. Zembrodt does not believe changing it to one-way would affect the North Arlington work. Mr. Bayer stated the one-way signs could be covered if need be during any road work. Mr. Claypole would like to have second reading at the next meeting to make it one-way.

XI. New Business

A. Committee Appointments

Mayor Mattone stated he has reached out to everyone on Council asking them to continue on their committees. Mr. Reser and Mr. Oberjohn will join some of the committees as new members. The committees can schedule their own meetings as they see fit and he would like to reach out to residents to get them on the committees also. He would like to make the committee announcements at the February Business meeting as well as when and where they will meet. Ms. Spoor stated she is still thinking about the committee appointments and will let the Mayor know.

B. Ms. Liz St. Onge announced the Civic Association upcoming 2017 events:

March 9: Volunteer Meet n Greet/Open House

April 15: Easter Egg Hunt

May 6 and 7: City wide yard sale

May 29: Memorial Day Parade

June 10: Park Hills Police 100 year anniversary party- (THIS IS NOT DEFINATE)

July 22: Movie Night

Sept 30: Dance/Ball

October 29: Pumpkin Parade

December 10: Christmas in the Park

Motion to allow the Civic Association to hold these events was made by Mr. Elkins; second by Ms. Spoor. Roll call: all ayes

XII. Delegation Discussions

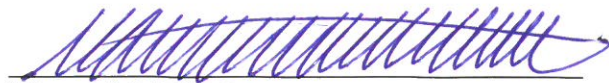
A. Telecommunications Board of Northern KY – Richard Lange

Mr. Lange stated the board conducted their focus group meetings on December 13th and 14th at the PDS with a very good turnout. The board held a brief monthly meeting in conjunction with the PDS meeting that involved nominating the new officers for 2017. Mr. Lange was nominated to be the vice-chair. Congratulations!

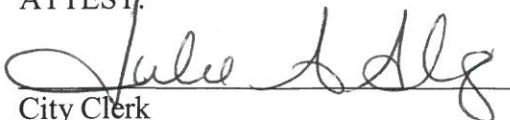
B. Code Enforcement Board – Mr. David Gray

There was nothing on the agenda this month or last month regarding Park Hills. He stated sometimes residents will inform him of situations which he in turn passes on to the CEB. He would rather the residents contact the city to report problems; otherwise, he is unable to vote on any issues he is responsible for reporting. The Mayor stated he was approached by Ms. Remley from PDS informing him that the board needs an alternate should Mr. Gray be unable to attend a meeting. He asked if anyone would like to serve, please reach out to him.

8:57 Motion to adjourn was made by Mr. Elkins


Mayor, Matt Mattone

ATTEST:


City Clerk