

THE PARK HILLS CITY COUNCIL HELD A SPECIAL/BUSINESS MEETING ON MONDAY, SEPTEMBER 9, 2019 AT 7:00 P.M. AT THE PARK HILLS FIRE DEPARTMENT, 1106 AMSTERDAM ROAD WITH MAYOR KATHY ZEMBRODT PRESIDING.

COUNCILMEMBERS PRESENT: PAM SPOOR, SARAH FROELICH, JOE SHIELDS, KEVIN THEISSEN AND WESLEY DETERS

ABSENT: STEVE ELKINS

ALSO PRESENT: CITY ATTORNEY, KYLE WINSLOW AND CITY ENGINEER, JAY BAYER

Call to Order

Pledge of Allegiance

Roll Call

Motion to approve the August 12, 2019 meeting minutes was made by Ms. Spoor; second by Mr. Shields. Roll call: Ms. Spoor; aye, Ms. Froelich, abstain (not present at meeting), Mr. Shields; aye, Mr. Theissen; abstain (not present at meeting), Ms. Deters; aye Motion carried

#### I. Presenters

A. Ms. Dina Dye, MCI Metro (a subsidiary of Verizon), was present at the meeting to explain and answer questions regarding a Verizon Franchise agreement. Ms. Deters asked the number of lines they are planning to install. Ms. Dye first stated they are asking to begin the Franchise Agreement process to be able to install fiber optics within the city. What they are doing is putting fiber into a 2" conduit, hopefully to be aerial. They are not serving residents, only business and government. If a resident wants internet, they can put a line to that customer. It will be mainly for long haul transport which would create a loop with 31 other cities and counties in Northern KY to bring more fiber to the area. Mayor Zembrodt emphasized the areas affected would be Dixie Highway and Sleepy Hollow. Ms. Deters asked what determines aerial installation. Ms. Dye replied the first choice would be to use existing poles that owners will allow them to attach to. If not, they will go underground. Ms. Deters asked about the fees associated with this. Ms. Dye explained that in KY there is currently a pool where the communication carriers currently put in 1.3%; the KY Department of Revenue takes and divvies it back to the cities. Since Park Hills has opted out of the state wide fund, it has franchise agreements with carriers and charges a 5% gross receipts fee. This same fee would be applied to Verizon. The first step is to pass tonight's bid Resolution which would allow them to bid for a franchise agreement and begin negotiations. Of the 31 cities, about 1/3 do not require an agreement, three have completed the process and another 10-15 are in the process. Discussion turned to residential use advantages and procedures.

II. Ms. Erin Dougherty, Amsterdam Road, was present at the meeting to ask the city for help regarding the recent flooding she has been having at her home. She stated she has had significant flooding six times since June. She believes the problem lies with her neighbors as she had her lines snaked and it was determined they were not the problem.

Chief Rigney stated he has been to the resident 5-6 times after heavy rains and determined the volume of water was more that her drain could collect leaving damage to the property. Ms. Dougherty stated SD1 never got back to her. Chief Rigney says the water is coming in through the backyard and filling up the driveway. Mayor Zembrodt stated she would follow up with SD1 and then get back to Ms. Dougherty.

III. Second Reading; Ordinance No. 8, 2019 requiring utility companies to notify the city prior to performing work was read in summary by Attorney Winslow. Ms. Froelich asked if a definition of public utilities could be added to the Ordinance. Ms. Spoor has stated that she is sponsoring this Ordinance. Mr. Winslow will amend the first paragraph to reference KRS 278.010 which gives the definition of public utilities. Motion to adopt Ordinance, with amendment, was made by Ms. Spoor; second by Mr. Shields. Roll call: all ayes

IV. First Reading; Ordinance No. 9, 2019 regarding speed humps was read in summary by Attorney Winslow. Ms. Froelich thanked Mr. Shields, Mayor Zembrodt and Mr. Elkins for looking at this Ordinance. Ms. Froelich stated that residents are concerned about speeding but that there was not positive feedback from Cecelia residents regarding the speed bumps that were installed. She added; the installation of the bumps shows that the city is working on solutions. A stop sign was added at the intersection of Old State and Alhambra, crosswalk striping was updated and speed bumps were tried on Cecelia. Her hope for this Ordinance is to keep things moving forward. The goal is to streamline requests and meet residents' needs quickly and in an organized and fair way with minimal time, cost and effort. She believes surveying streets in the city can be time consuming. She would like to set up a process that will assure residential awareness and reduce the effort of city staff. Ms. Froelich went over some of the key points of the Ordinance. She added; more adjustments can be made after comments from the city attorney, engineer, etc.

Ms. Spoor believes the city does need a protocol regarding speed humps but would like for everyone to be on board. She asked if Chief Stanley, Chief Rigney and Mr. VonHandorf could review the Ordinance and give their input along with the Infrastructure Committee. Ms. Froelich would also like the city engineer to look over the proposed Ordinance. Ms. Froelich added that all numbers within the Ordinance can be adjusted. Mayor Zembrodt asked the Infrastructure Committee to discuss the Ordinance at their next meeting.

V. Resolution No. 14, 2019 regarding a utility franchise was read in summary by Attorney Winslow. Discussion followed regarding agreement changes and questions. Motion to accept Resolution was made by Ms. Spoor; second by Ms. Froelich. Roll call: Ms. Spoor; aye, Ms. Froelich; aye, Mr. Shields; aye, Mr. Theissen; aye, Ms. Deters; nay Motion carried.

VI. Department Reports  
A. Police Department – Chief Cody Stanley

Mr. Shields asked how the SRO was working out. Chief Stanley stated he is doing quite well. Chief Stanley asked if the speed bumps that were removed from Cecelia could be installed in front of certain stop signs that many drivers go through. Ms. Froelich stated there are federal laws which govern where humps/bumps can be installed. Ms. Spoor suggested owners of parking lots that may be interested in purchasing the bumps. Discussion turned to OpenGov. Chief Stanley stated there are constantly problems with the program. Ms. Froelich suggested looking at other options as she looks at ways to promote transparency and save money. Ms. Spoor stated she is not a fan of OpenGov as all the information is already on the city's website.

B. Fire Department – Chief John S. Rigney

Chief Rigney's monthly report included the following:

- A total of 41 calls for service were received during the month of August. The incidents are broken down by type on the activity report Council received.
- Annual inspections of all businesses and multi-family buildings nearing completion.
- FD members attended a meeting with school, county and state officials concerning enhanced safety practices during fire alarms at educational facilities.
- Crews will be completing the annual flow testing of hydrants in the city this week.

C. Public Works – Dan VonHandorf

Mr. VonHandorf's report included:

- Greetings Mayor Zembrodt and Council. Thanks again for another month.
- All of the major land clearing is complete on the Amsterdam Valley project and the Park Pointe project.
- Contractor is hauling off dirt from Park Pointe and they are using the designated route.
- Did a walk through on the N. Arlington Road project. Just a few items left; I'll let Jay Bayer handle that one.
- Getting ready to start the lower Jackson Road project soon. Residents received letters to help make this a little easier.
- Michels Construction is working on upper Audubon Road mill/overlay
- The last wires relocated and poles removed Friday. Ready for Duke's sub to repair Trolley tracks.
- Audubon Forest moving along; only 2 foundation holes left to be dug. A couple of homes, I believe, are occupied with landscaping and sod.
- Just FYI: Chief Rigney and I checked on a Duke Energy pole at 841 Alhambra that we believe is in need of serious attention.
- Oh, by the way, I don't think this city has ever had this much going on at one time even when it was first started.

- Mr. VonHandorf suggested replacing the speed bumps with rumble strips like they have near the Devou Clubhouse. They are also easier to plow over.
- Any questions?

D. City Engineer – Jay Bayer

The written report contained the following:

**Projects in construction phase:**

**N. Arlington Road project**

A pay request has been submitted by the project contractor, Paul Michels and Sons. City staff walked the project site on 9/25/19 to update the punchlist. A recommendation for the pay request is being prepared by the city engineer.

**Projects in design phase:**

**Jackson Road Improvement Project**

Paul Michels and Sons has been approved as the contractor for the project. A preconstruction meeting was held on 8/21/2019. Construction is anticipated to start in the next few weeks. The NKWD will be bidding the water main replacement project.

**St. Joseph Lane Sidewalk Project:**

Mayor Zembrodt is finalizing the grant award. Design work will resume when the award is finalized.

**Private projects in the city:**

**Gateway Development (aka Park Pointe)**

Clearing work has begun for the project. Access on Amsterdam Road is limited to one way in the south west bound direction. The NKWD will be replacing the water main along Amsterdam Road in conjunction with the project. Updated plans have been provided to the city for the Subdivision Construction, Amsterdam Road Reconstruction and the Amsterdam Landscape Plan.

**Audubon Forest Project**

A final plat has been recorded. The developer will be transferring a parcel to the city per the prior agreement.

Mr. Bayer stated they have stopped work on the St. Joseph Lane sidewalk until information regarding the grant is received. Mayor Zembrodt replied that by summer, she would like a decision made on what to do even if no grant is awarded. Mr. Bayer stated the plans are about 80% complete; will wrap up the other 20% after grant.

E. Treasurer's Report – Julie Alig

Motion to pay the Road Fund invoices in the amount of \$1,634.78; MRA invoice in the amount of \$1,390.00 and Vehicle Fund invoices in the amount of \$2,355.26 was made by Mr. Theissen; second by Ms. Froelich. Roll call: all ayes

VII. Committee Reports

A Parks, Beautification and Recreation

Ms. Spoor stated she was contacted by Mr. Matt Butler with the Devou Good Foundation. They are going to provide Park Hills with free pedestrian cross walk signs which normally sell for \$300 each. Ms. Spoor would like input on where to place them. Discussion turned to speed calming on Audubon Road

B. Infrastructure

Ms. Froelich asked about the new role given to have a point person for street projects. Mayor Zembrodt replied she would like to have one person as a main contact instead of Mr. VonHandorf having to do it all. She believes it will result in better communication. It will be paid from the Public Work's part time help line.

C. Communications

Ms. Froelich stated at the last meeting, the committee discussed drafting a social strategy and a digital newsletter. The next meeting date is TBD. October 15<sup>th</sup> is the deadline for articles for the next newsletter.

D. Economic Development

Ms. Froelich stated they had two representatives from Tri-Ed, the Northern KY Economic Development Organization, to talk about some of the services they offer such as tax incentives. Mr. Dave Fangman also attended and shared the by-laws of the Business Association which Ms. Froelich would like to jump start again. The application for trees is on the website under the Tree Board page.

VIII. Delegation Discussions

A. TBNK – Richard Lange

Mr. Lange stated at our last meeting he gave an update on what the board is doing on the federal level communications report. A couple days after that, they came out with a new report and order. For the time being, they will not allow deductions from franchise fees for paid programming. He added; the FCC did not adopt a request by the cable operators to limit the number of paid channels. The order still allows cable operators to deduct from franchise fees the fair market value of many cable related in-kind contributions of franchise. The order does not allow deductions for the cost of complying with terms of the franchise agreement.

B. CEB – David Gray

Mr. Gray stated there were two items on the agenda for Park Hills. The 586 Irish Rose Lane drainage problem and 1064 Emerson Road. The owners of 586 Irish Rose were given 60 days to comply. They made a deal with SD1 to fix the problem and they also repaired the sidewalk. No fines were imposed. The same for the Emerson property. They have one more item to fix and then the property will be re-inspected.

C. KCPC – Phil Ryan – Not present

IX. Old Business

A. Speed humps

Discussed earlier in the meeting

X. New Business

A. A grant was issued for more patrolling officers on I-71. There have been complaints regarding trucks making improper lane changes and speeding. There is hope the extra patrol, which goes from October 2019 to October 2020, will help alleviate the problems.

A. Mayor's Group Meeting is scheduled for Saturday, September 21<sup>st</sup> at 9:00 at Taylor Mill's Pride Park.

C. Motion to approve expenditure of \$650 for Park Hills Holiday Toy Train day at the Behringer Crawford Museum was made by Mr. Theissen; second by Ms. Deters. Roll call: all ayes

Ms. Froelich asked if developers of the Park Pointe project would be available to speak at the September Caucus meeting. Mayor Zembrodt stated she is hoping for them to be present at the October Caucus meeting.

Mayor Zembrodt would like to further discuss speed humps/bumps at the September Caucus meeting.

8:59 Motion to adjourn was made by Mr. Shields; second by Ms. Spoor

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Mayor, Kathy Zembrodt

ATTEST:

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City Clerk

