

ORDINANCE NO. 4, 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, CREATING A NEW SECTION 33.06 OF THE CODE OF ORDINANCES TO ESTABLISH A CAPITAL IMPROVEMENT FUND

WHEREAS, the City recently established a capital improvement plan that identifies known capital expenditures over the next five years;

WHEREAS, the City desires to create a capital improvement fund to set aside revenue for the capital expenditures identified in the capital improvement plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

A new Section 33.06 of the Code of Ordinances, titled "Capital Improvement Fund," shall provide as follows:

There is hereby established the Capital Improvement Fund of the City of Park Hills, Kentucky. The Capital Improvement Fund shall be used for the purchase of equipment, vehicles, and machinery, and other long-lasting goods that are not consumed in the normal course of business, and the construction, installation, repair, renovation, or maintenance of public buildings or structures. The Capital Improvement Fund shall not be used to pay salaries of any public officials or employees or to purchase real property. Any expenditure made from the fund must be based on the written recommendation of a department head or the mayor and approved by City Council in the budget for the fund.

SECTION II

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

ORDINANCE NO. 5, 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, REPEALING, IN LIGHT OF THE CITY'S CAPITAL IMPROVEMENT PLAN AND BASED ON THE RECOMMENDATIONS OF THE FINANCIAL OVERSIGHT COMMITTEE AND THE CITY'S ACCOUNTANT, §33.006 OF THE PARK HILLS CODE; DISSOLVING THE RESERVE FUNDS; AND, TRANSFERRING REVENUE FROM THE RESERVE FUNDS INTO THE CITY'S CAPITAL IMPROVEMENT FUND OR THE GENERAL FUND

WHEREAS, the City previously established various reserve funds to set aside revenue for future unknown capital expenditures; and

WHEREAS, the City recently retained David Baker to prepare a capital improvement plan that identifies known capital expenditures over the next five years; and

WHEREAS, the City intends to set aside revenue for the capital expenditures identified in the capital improvement plan, rendering a number of the reserve funds unnecessary; and

WHEREAS, based on the recommendations of the financial oversight committee and the City's accountant, David Baker, the City desires to dissolve a number of the reserve funds and transfer revenue in those funds into the City's Capital Improvement Fund or General Fund.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

That §33.006 of the Park Hills Code, entitled "DEPARTMENTAL RESERVE FUNDS," codified in §33.006 of the 2010 Code, amended and/or restated on April 8, 2013, by Ordinance 4, 2013, and amended and/or restated again on November 10, 2014, by Ordinance, 16, 2014, and related to the creation and application of the reserve funds referred to in Section II of this Ordinance, is hereby repealed in its entirety.

SECTION II

That the following reserve funds are hereby dissolved:

The Police Department Maintenance and Replacement Reserve Fund;
The Fire Department Maintenance and Replacement Reserve Fund;
The Public Works Department Maintenance and Replacement Reserve Fund;
The Administration Department Maintenance and Replacement Reserve Fund;
The Parks/Beautification Fund; and
The Tree Board Fund.

SECTION III

That any revenue in the following dissolved funds is hereby transferred into the Capital Improvement Fund of the City of Park Hills:

The Police Department Maintenance and Replacement Reserve Fund;
The Fire Department Maintenance and Replacement Reserve Fund;
The Public Works Department Maintenance and Replacement Reserve Fund; and
The Administration Department Maintenance and Replacement Reserve Fund.

That any revenue in the Parks/Beautification Fund or the Tree Board Fund is hereby transferred into the General Fund of the City of Park Hills.

SECTION IV

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION VI

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

ORDINANCE NO. 6, 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING ORDINANCE 11, 2014, TO CHANGE THE COMPENSATION OF THE CITY'S CHIEF OF POLICE, CODY STANLEY

WHEREAS, by Ordinance 11, 2014, adopted by City Council on June 10, 2014, the City established certain terms related to the employment of its Chief of Police, Cody Stanley; and

WHEREAS, the City Council desires to amend Ordinance 11, 2014, to increase Chief Stanley's compensation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

Section 1 of Ordinance 11, 2014, shall be amended as follows:

The City of Park Hills, Kentucky, authorizes an annual salary in the amount of [~~\$58,864.40~~] \$60,320.00 plus [~~\$3,100.00~~] \$4,000.00 incentive pay from the Commonwealth of Kentucky for the Chief of Police, Cody Stanley. This figure is subject to change by ordinance or amendment to the City's then existing budget ordinance.

Chief Stanley shall be eligible to participate in the Deferred Compensation Plan through Kentucky Deferred Compensation.

SECTION II

Section 2 of Ordinance 11, 2014, shall remain unchanged.

SECTION III

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION IV

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION V

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

ORDINANCE NO. 7, 2018
 AN ORDINANCE AMENDING THE CITY OF PARK HILLS, KENTUCKY'S ANNUAL BUDGET
 FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018 BY ESTIMATING REVENUES AND RESOURCES
 AND BY APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

WHEREAS, a budget amendment ordinance has been prepared and delivered to City Council; and
 WHEREAS, City Council has reviewed such budget amendment and made necessary modifications,
 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY,
 That the annual budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018 be amended as follows:

	General Fund		Vehicle Fund		Municipal Road		Road Tax		Tree Board		Reserve Fund	
Resources Available:												
Fund Balance Carried Forward	\$631,111	\$766,157	\$73,927	\$73,903	\$249,463	\$245,386	\$126,792	\$21,347	\$1,260	\$1,268	\$62,202	64,149
Estimated Revenues			25,000	18,308	57,636	56,900			0	600	0	1,635
Real Estate Taxes	404,000	407,000					300,000	300,000				
Personal Property Taxes	50,000	66,230										
Franchise Fees	54,000	58,594										
Delinquent Taxes	5,000	4,678										
Municipal Insurance Tax	420,000	500,000										
Payroll Tax	180,000	235,000										
Gross Receipts Tax	50,000	82,500										
Police Incentive Pay	32,000	32,000										
Occupational License Fees/Permits	20,000	28,000										
Beer and Liquor Licenses	3,500	1,775										
Trash Collection Fees	185,821	180,000										
Police Fines	1,000	340										
Animal Licenses	1,400	1,315										
Yard Sale Permits	100	90										
Law Enforcement Fees	10,000	7,000										
Code Enforcement Fines	1,000	9,547										
Interest Income	1,800	5,900	300	615	750	1,300	800	980	40	14	15	4
Creighton Revenue	45,000	45,000										
Misc Revenue	1,000	4,705										
Misc Police Revenue	700	1,000										
Tangible Property Tax	20,000	13,607										
Permit Fees	200	20										
Tax Overpayments	3,000	6,663										
Loan Proceeds	0	0					1,700,000	73,165				

Page 2	General Fund		Vehicle/Road Maint		Municipal Road		Road Tax		Tree Board		Reserve Fund	
School Resource Officer	0	0										
Reimbursement from Utilities	0	0					0	56,665				
Road Fund Administration	5,000	5,000										
Vehicle Fee Administration	4,000	4,000										
Municipal State Aid Administration	2,000	2,000										
Bromley Contract	100,000	100,000										
Total Estimated Revenues	1,600,521	1,801,964	25,300	18,923	58,386	58,200	2,000,800	430,810	40	614.00	45.00	1,639
Total Resources Available	2,231,632	2,568,121	99,227	92,826	307,849	303,586	2,127,592	452,157	1270	1,882.00	62217	65,788
Appropriations:												
General Admin.	136,900	144,814										
Public Works	101,578	93,727										
Police Department	713,333	726,274										
Fire Rescue	142,879	127,989										
Creighton	0	40,000										
City/Maint. Bldgs	14,500	15,647										
Utilities	36,200	40,800										
Capital Improvements	44,500	30,426										
Contract Services	407,417	393,040										
Engineer Fees					0	10,000						
Road Projects/Repair/Replace			0	4,080	0	154,927	1,700,000	220,000				
Snow Removal					0	4,188						
Sidewalk			72,000	0	100,000	73,135						
Administrative			4,000	4,000	2,000	2,008	5,000	5,008				
Lighting			10,000	0								
Cameras												
Sign												
City Owned Property/Planting											0	3250
Crack Sealing							10,000	7,500				
Mill & Overlay					100,000		35,000	14,500				
Loan Payments							250,000	232,000				
Misc/Radios			0	917						108	50,000	2019
Total Appropriations	1,597,307	1,612,717	86,000	8,997	202,000	244,258	2,000,000	479,008	0	108	50,000	5,269
Escess Rev. over/under expend	3,214	189,247	-60,700	9,926	-143,614	-186,058	800	-48,198	10	506	-49,985	-3,630
Estimated Year End Fund Balances	634,325	955,404	13,227	83,829	105,849	59,328	127,592	-26,851	\$1,270	1,774	12,217	60,519

ATTEST:

Matthew Mattone, Mayor

City Clerk

Date: _____

CITY OF PARK HILLS 2018-2019 Budget

ORDINANCE NO. 8, 2018

AN ORDINANCE ADOPTING THE CITY OF PARK HILLS, KENTUCKY'S ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019
BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

WHEREAS, A BUDGET ORDINANCE HAS BEEN PREPARED AND DELIVERED TO THE CITY COUNCIL, AND

WHEREAS, CITY COUNCIL HAS REVIEWED SUCH BUDGET ORDINANCE AND MADE NECESSARY MODIFICATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY:

THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 IS AS FOLLOWS:

	General Fund	Restricted Municipal Aid	Restricted Road Fund	Restricted Creighton Fund	Capital Improvement Fund	Vehicle Fund
Resources Available						
Beginning Fund Balance	955,404	59,328	(26,851)	32,375	60,519	83,829
Estimated Revenues				45,000		
Taxes Total	1,221,000					
Fines and Fees Total	353,175					
Misc Total	8,400					
4008000- Municipal Aid Income	2,000	57,000				
8008000- Road Tax Income	5,000		300,000			
8008001- Vehicle Fee	4,000		-			25,000
8008960- Loan Proceeds			840,000			
8008971 · REIMB FROM SD 1 - ROAD FUND			186,500			
0000000- Transfer in From MA						
0000000- Transfer in From General Fund					78,000	
0000000- Transfer in from Vehicle Fund						
Interest on Account	2,000	750	800			500
Total income including beginning funds	2,550,979	117,078	1,300,449	77,375	138,519	109,329

CITY OF PARK HILLS 2018-2019 Budget

	General Fund	Restricted Municipal Aid	Restricted Road Fund	Restricted Creighton Fund	Capital Improvement Fund	Vehicle Fund
Expense						
400 Municipal Aid						
4001002- Transfer to Road Fund		-				
4001001- Administration fee		2,000				4,000
4009300 - City Eng		10,000				
4009100 - Snow Removal/Salt		6,000				
800 Road Fund						
8001000- North Arlington		95,000	524,000			30,000
8002000- Lower Jackson 50%			506,500			
8000099- Administration Fee			5,000			
8003000- Debt Service Road Loan			260,000			
900 Capital Improvement Fund						
9001002- Mill and Overlay			-			20,000
2009150 - Lights and sidewalks						20,000
9001000- New Radio System	-			6,000	101,000	
109 · ADMINISTRATION						
Total 109 · ADMINISTRATION	146,756				5,000	
209 · PUBLIC WORKS						
Total 209 · PUBLIC WORKS	99,722				5,000	
309 · POLICE DEPARTMENT						
Total 309 · POLICE DEPARTMENT	696,415				5,000	
409 · FIRE DEPARTMENT						
Total 409 · FIRE DEPARTMENT	146,394				5,000	
509 · CREIGHTON FUND						

CITY OF PARK HILLS 2018-2019 Budget

	General Fund	Restricted Municipal Aid	Restricted Road Fund	Restricted Creighton Fund	Capital Improvement Fund	Vehicle Fund
5091090 · MISC CREIGHTON EXP.				29,000		
Total 509 · CREIGHTON FUND						
609 · UTILITIES						
Total 609 · UTILITIES	37,700					
709 · CITY/MAINTENANCE BUILDINGS						
Total 709 · CITY/MAINTENANCE BUILDINGS	14,500					
809 · CAPITAL IMPROVEMENT						
8091000 - Transfer to CIF	78,000					
8091020 · SIGN REPLACEMENT						
8092500 · BANK OF KY/HERITAGE LOAN	22,000					
8099800 · FUTURE CAPITAL IMPROVEMENTS						
Total 809 · CAPITAL IMPROVEMENT	100,000					
959 · CONTRACTS/OTHER-SVC & AGENCIES						
Total 959 · CONTRACTS/OTHER-SVC & AGENCIES	449,396					
Total Expense	1,690,883	113,000	1,295,500	35,000	121,000	74,000
Net Ordinary Income	860,096	4,078	4,949	42,375	17,519	35,329
	-	-	-		-	
Ending Fund Balance	860,096	4,078	4,949	42,375	17,519	64,829

ATTEST:

City Clerk

Date

Mayor, Matthew Mattone

ORDINANCE NO. 9, 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO REQUIRE THE TREE BOARD TO DEVELOP AN ANNUAL PLAN FOR THE CARE, PRESERVATION, PRUNING, REPLANTING, REMOVAL, OR DISPOSITION OF PARK TREES AND STREET TREES.

WHEREAS, the City Council recognizes that the City of Park Hills does not have the budgetary capacity to monitor the health of every single City tree;

WHEREAS, the City Council, nevertheless, desires to implement a tree inventory process to develop a prioritized list of trees that must be removed for the safety of Park Hills residents;

WHEREAS, the City Council, supports the values of being A Tree City USA and is committed to maintain, increase and improve the Tree Canopy of the City. A healthy Tree Canopy supports the beauty and quality of life in the City, while reducing energy costs and increasing property values;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION 1

§30.043 CONSERVATION/TREE BOARD, shall be amended as follows:

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes, and other woody vegetation on land lying in rights-of-way on either side of all streets, avenues, or ways within the City.

(B) *City Tree Board.* There is hereby created and established a Tree Board which shall have a membership of up to seven persons, each of whom shall be a citizen and resident of the city. A Chairperson and the members shall be appointed by the Mayor with the approval by the Council.

(C) *Term of office.* The term of office of the members of the Tree Board shall be two years. In the event a vacancy occurs during the term of any member, a successor shall be appointed for the unexpired portion of the term by the Mayor with the approval of Council.

(D) *Compensation.* Members of the Tree Board shall serve without compensation.

(E) *Plan.* A plan submitted to council by the Tree Board for review and approval.

(F) *City provides the Plan funding.*

(1) It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, and update annually, and administer a written plan for the care, preservation, pruning, replanting, removal, or disposition of park trees and street trees.

(2) Such plan will be presented annually to the City Council with budget and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the City.

(3) The Board, when requested by the City, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work.

(4) The Board shall authorize periodically an inventory utilizing a certified arborist to identify as many park trees and street trees as allowed by time and budget, for the purpose of creating a list of park trees and street trees to be removed and replanted based on priority (the "Tree Inventory"). The Board's annual plan shall include the Tree Inventory. The Tree Inventory shall identify the problem(s) associated with the park and/or street tree(s) as follows:

Tree Problem Key	
1	Dead or Dying
2	Cavity or Decay
3	Pest Problem
4	Poor Structure
5	Exotic Invasive Species
6	Other

(5) The Tree Board shall have the ability to contract with consultants, experts and certified arborists to assist the Tree Board in identifying tree problems and to assist in the development of the comprehensive plan.

The City Council's acceptance and approval of the Board's annual plan shall include a determination, based on the budget and the recommendations of the Board, as to what park and/or street tree(s), if any, shall be removed during the following year.

(F) *Procedure and rules.*

(1) The Board shall, with the exception of the office of Chairperson, choose its own officers, make its own procedural rules and regulations, and keep a journal of its activities.

(2) A majority of the members shall be a quorum for the transaction of business.

(G) *Maintenance.*

(1) The City shall have the right, but not the duty to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or preserve or enhance the symmetry and beauty of such public grounds.

(2) The Tree Board may order to be removed any tree or part thereof which is in an unsafe condition, or which by reason of its nature, is injurious to sewers, electric power lines, gas lines, injurious fungus, insects, or other pests. The enforcement of such removal, replanting, pruning will be the responsibility of the City either an employee, officer or official and not the Tree Board.

(H) *Topping.*

(1) It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

(2) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this section at the determination of the Tree Board.

(I) *Owner's duties.*

(1) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

(2) Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs at the owners expense which constitute a menace to the safety of the public.

(3) The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

(4) The City shall have the right to cause the replanting of a dead or diseased tree on any street or right-of-way which has been removed for any reason. The replanting of any tree must comply with the City Tree Board's list of approved trees. Park Trees and Street Trees removed must include all parts of the tree including the removal of the tree stump. The replacement tree must be planted at or within five feet of the removed Park or Street Tree.

(J) *Removal.* The City shall have the right to cause the removal of any dead or diseased trees on private property including within abutting rights-of-way within the City when such trees constitute a hazard to life and property, or harbor insects or disease constituting a potential threat to other trees, property, or persons within the City. The trees constitute an imminently dangerous condition and may be removed pursuant to the provision set forth in § 91.25(A). Park Trees and Street Trees removed must be replanted within one year and replanted from the Tree Board's list of approved trees. The City shall have the right to cause the replanting of such trees.

(K) *Interference prohibition.* It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board or any of its agents or servants while engaging in and

about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park trees, or trees on private grounds as authorized in this section.

(L) *License required.*

(1) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for an occupational license.

(2) No license shall be required of any public service company or City employee doing such work in the pursuit of his, her, or its public service endeavors. Public service company or City employee must comply with this or any City ordinances.

(3) Before any license is issued, each applicant shall first file evidence or possession of liability insurance in the minimum amounts of \$25,000 for bodily injury and \$10,000 property damage indemnifying the City of any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(M) *Review.* The Council shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Council who may hear the matter and make the final decision.

SECTION 2

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION 3

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 4

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

ORDINANCE 10 - 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, APPROVING THE STAGE I DEVELOPMENT PLAN FOR CONDOVIEW, LLC, FOR AN AREA OF APPROXIMATELY 7.5 ACRES LOCATED WEST OF AND ADJACENT TO AREA B ON THE SOUTH SIDE OF AMSTERDAM ROAD AND AT THE TERMINUS OF HAMILTON ROAD AND OLD STATE ROAD, APPROXIMATELY 200 FEET EAST OF ARLINGTON ROAD IN PARK HILLS WHICH IS ZONED R-1EE (PUD)

WHEREAS, Paul Zeltwanger, on behalf of CondoView, LLC, submitted an application for review and approval of a Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road in Park Hills which is zoned R-1EE (PUD) (hereinafter referred to as the "Developed Area"); and

WHEREAS, Planning and Development Services of Kenton County reviewed the application and recommended approval to the Kenton County Planning Commission; and

WHEREAS, the Kenton County Planning Commission conducted a public hearing serving as a due process trial-type hearing; and

WHEREAS, the Kenton County Planning Commission by Statement of Action and Recommendation Number PC1802-0003 recommended approval of the Stage I Development Plan; and

WHEREAS, Section 11.0 of the Park Hills Zoning Ordinances requires that Stage I Development Plans receive the approval of the City of Park Hills; and

WHEREAS, the City of Park Hills reviewed the record of the Kenton County Planning Commission and takes final action based on that record alone; and

WHEREAS, the City of Park Hills passed a motion to approve the recommendation of the Kenton County Planning Commission, subject to certain conditions which Park Hills determined were reasonable and required based on the burden on public utilities, facilities, and infrastructure that will follow the development of the Developed Area.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

That the Park Hills City Council decided to consider the Stage I Development Plan without a *de novo* hearing. Instead, Park Hills reviewed the record before the Kenton County Planning Commission and makes its decision based on that record alone.

SECTION II

That the Stage I Development Plan submitted by Paul Zeltwanger, on behalf of CondoView, LLC, is hereby approved, as set forth in the attached **Exhibit A** and incorporated herein by reference, subject to the following conditions, which Park Hills determined were reasonable and required based on the burden on public utilities, facilities, and infrastructure that will follow the development of the Developed Area:

1. That the City of Park Hills hereby incorporates and conditions its approval of the Stage I Development Plan on the conditions imposed by the Kenton County Planning Commission regarding the requested waiver from the requirements of Section 8.3-1 of the Kenton County Subdivision Regulations:

That the proposed retaining walls necessary for Dixie Highway access must be constructed and platted on private property completely outside of the right-of-way of the City of Park Hills. Additionally, the private owner of the property on which the retaining walls are constructed must maintain the full responsibility to maintain the private retaining walls. The plat shall specifically refer to the retaining walls as the responsibility of the private property owner on which the retaining walls are constructed.

2. That existing retaining walls within the Developed Area shall also be platted on private property completely outside of the right-of-way of the City of Park Hills. Additionally, the private owner of the property on which the existing retaining walls are built must maintain the full responsibility to maintain the existing retaining walls. The plat shall specifically refer to the existing retaining walls as the responsibility of the owner of the private property on which the retaining walls are built.

3. That prior to the inspection and final approval of Patton Drive pursuant to KRS §82.400(2), Patton Drive shall be rebuilt by CondoView, LLC. The rebuild of Patton Drive shall conform to the Kenton County Subdivision Regulations.

4. Upon completion of construction of the Developed Area and prior to the filing or recording of any plat regarding the Developed Area, CondoView, LLC, shall submit a letter to the City Engineer from a geotechnical engineer confirming that the development of all lots in the Developed Area will not result in any significant hillside slippage or soil erosion pursuant to Section 12.0 of the Park Hills Zoning Ordinance.

5. That by Ordinance 16, 2016, the City of Parks elected to erect a barrier across Old State Road at its eastern end at the western boundary of property located at 130 Old State Road. That Ordinance remains in full force and effect. Notwithstanding the foregoing, the development of the Developed Area shall not otherwise prevent vehicular access from Old State Road into the Developed Area solely for emergency personnel, including EMS and the Fire Department, and the Park Hills Public Works Department.#

SECTION III

That the City of Park Hills hereby reserves the right to review and make recommendations regarding the final development plan pursuant to Section 11.0(F)(2)(L) of the Park Hills Zoning Ordinance.

SECTION IV

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION VI

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

KENTON COUNTY PLANNING COMMISSION STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC1802-0003

WHEREAS

Condoview, LLC per Paul Zeltwanger, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road in Park Hills which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay); AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, APRIL 5, 2018, AT 6:15 P.M., IN THE PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY'S FIRST FLOOR MEETING ROOM, 2332 ROYAL DRIVE, FORT MITCHELL, KY.; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 2332 ROYAL DRIVE, FORT MITCHELL, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

KCPC RECOMMENDATION – PARK HILLS ZONING ORDINANCE:

Favorable recommendation on the Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay) within Park Hills, subject to the agreement of the applicant to the following conditions:

1. That the proposed map amendment for Area A and the Stage I Development Plan for Area B be approved by the City of Covington;
2. That all accessory structures meet the requirements of the underlying R-1EE Zone, aside from the proposed entry monuments on the submitted plan.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 4, 2014.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The submitted development plan meets the stated purposes of the PUD Overlay Zone. The proposed development will provide a variety of housing styles, from single-story dwellings

to three story dwellings. The proposed development will also existing landscape features and provide for usable open spaces and recreation facilities.

2. The Stage I Development Plan is consistent with the Recommended Land Use map of *Direction 2030: Your Voice. Your Choice*, which identifies the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. While the R-1EE (PUD) can permit residential densities up to 7.5 dwelling units per net acre, the site in question is a part of a development plan that indicates a maximum density of 3.5 dwelling units per net acre.
3. The Stage I Development Plan is consistent with the goals, objectives, and recommendations of *Direction 2030: Your Voice. Your Choice*, as stated above. The proposed map amendment will encourage a variety of housing types to meet the needs of different generations and income levels. Additionally, the PUD regulations allow for the provision for open space for active and passive recreational opportunities.
4. Based upon testimony presented at the April 5, 2018 public hearing.
5. The submitted Stage I Development Plan meets the minimum requirements of the Park Hills Zoning Ordinance, except for the following:
 - a. Section 11.0, E., 2., e., states that the development plan should identify the location of every proposed building on the subject property. The submitted development plan does not contain location, type, height, yard, and setback regulations for any customary accessory structures within the proposed development. Staff recommends that any customary accessory structure (pools, fences, signs, sheds, etc.) be permitted subject to the requirements of the underlying R-1EE Zone.

ADDITIONAL COMMENTS

1. While not required on the Stage I Development Plan, if approved, the following information will need to be provided on the Stage II Development Plan:
 - a. Section 9.7 sets for Excavation or Movement of Soil regulations. No entity shall strip, excavate, fill, or move soil without first insuring that all requirements of the Subdivision Regulations have been fulfilled. Insufficient information has been submitted to determine compliance with this regulation;
 - b. Section 11.0, F., 2., states that the location, size, height, and orientation of all fences, walls, and signs needs to be shown on the Stage II Development Plan. The submitted development plan indicates provision for entry monuments at the intersections of Amsterdam Road with Street B, Old State Road with Street A, and Old State Road with Dixie Highway. Additional information regarding the size, height, and setbacks needs to be submitted. Any fences and walls that are proposed as a part of the overall development will need to be shown as well.
 - c. Article XII Sets forth Hillside Development Controls. Sufficient information will need to be submitted to determine that any activity will not cause hillside slippage or erosion.
 - d. Section 13.1 states that two off-street parking spaces are required for each one-family dwelling. Insufficient information has been submitted to determine compliance with this regulation;

2. The submitted Stage I Development Plan meets the minimum requirements of the Kenton County Subdivision Regulations. The KCPC granted waivers from the following requirements:
 - a. Section 4.1-11 requires sidewalks along both sides of the proposed streets. The submitted development plan indicates sidewalks on only one side of Street D and a portion of Street B;
 - b. Section 4.2-8 prohibits lots from having double frontage along more than one street, except for corner lots. The submitted development plan indicates that Lots 25 through 39 and 57 through 60 are not corner lots and have frontage on more than one street;
 - c. Section 8.3-1 states that the minimum spacing requirements for unsignalized access points along an arterial street must be 600 feet. The submitted development plan indicates an access point on West Pike Street approximately 230 feet from an adjacent unsignalized access point in Park Hills.
3. The submitted development plan indicates that the proposed sidewalk along West Pike Street will be designed and funded through KYTC. If the sidewalk is not constructed by KYTC, the applicant will be responsible for providing this sidewalk.
4. A land disturbance permit from SD1 is required for this project.

PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION

ATTACHMENT PC1802-0003

SUMMARY OF THE EVIDENCE AND TESTIMONY PRESENTED BY THE PROPONENTS/OPPONENTS OF THE PROPOSED MAP AMENDMENTS

(NOTE: This summary was compiled by the Commission's secretary in compliance with 100.211 (1). It is believed to be accurate, but has not been reviewed or approved by the Commission. A summary will be found in the officially approved minutes, which will be available following the next meeting of the Commission.)

ISSUE

Condoview, LLC per Paul Zeltwanger for a proposed map amendment to **Area A:** the Covington Zoning Ordinance changing the described area from RU-2B (an urban residential zone) to RU-2B (PUD) (an urban residential zone with a planned unit development overlay). **Area B:** A Stage I Development Plan for the described area which is zoned RU-2B (PUD) (an urban residential zone with a planned unit development overlay) according to the Covington Zoning Ordinance. **Area C:** A Stage I Development Plan for the described area which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay) according to the Park Hills Zoning Ordinance.

PROPONENTS

The proponents to the issue addressed the Commission and stated this has been a long process and he thanked all those involved in the process. The proponent stated he has tried to acquire the land for about ten years so he is very excited about the project. He stated anytime you can link the property into Devou Park it is a good thing and he thinks potential residents will love that too. The proponent noted they will always prioritize hillside protections. He further stated they are working with the urban forestry in Covington with regard to the development and he thinks they will have a good result there as well. The proponent stated they attended resident meetings and they listened to the traffic concerns of residents as well. He stated they looked at the market and what could fit into the area also. The proponent stated he would rather put something that fits and will work well for the area and that is how they came to the number of lots. He stated the one thing he wants to point out is with regard to street D they don't think the sidewalks make much sense due to the slope. The proponent stated they are basically saying if there is a front door they are going to put a sidewalk there. He further stated the sidewalk will be linked to the hiking trail. The proponent additionally stated they want to make this a unique development and they want to make it fit into the community. He then showed some examples of architectural designs of what the exterior of the residences may look like within the development. The proponent stated he met with some the residents of the area and they want to be a good neighbor. He noted they are talking with the Sanitation District and they feel they can solve any issues or concerns there may be. The proponent additionally stated they are really trying to beautify the area and they think it helps their project as well. He stated he thinks they are in step with the 2030 plan and the Devou Park plan. An additional proponent addressed the Commission and stated they have been looking at the property since 2015. The proponent stated in mid to late 2015 they started meeting with Staff and Covington elected officials and they came to the conclusion that a PUD overlay would benefit the site. The proponent further stated this has been a collaborative effort. He stated their worst fears were that a 449 unit development would be the development. The proponent additionally stated Park Hills main concern was the traffic brought to the area. He stated they feel this is consistent with the PUD overlay and they were pleased that the development was to consist of 85 units. The proponent additionally stated the proposed access of Dixie Highway was encouraged. He then noted they do not want the long term responsibility of a retaining wall so they are asking for conditions as to that. The proponent further stated the retaining walls must be built on private property out of the right of way. He further noted with regard to the Patton drive that this has never been a publicly dedicated street. He stated they do not have any objections to the waiver

requirements. The proponent commented with regard to the waiver request to the access to Dixie Highway they also did not have any opposition at this point. He noted the developer listened to their concerns about access and provide a second site. He stated the city has no objection to the waiver but he believes the ultimate grantor of the waiver would be the state. He stated they realize it is an extensive project to build that road but they do realize the value of that. The proponent addressed the Commission in rebuttal and stated he appreciates all the input and it is part of the process and he respects that. He stated the hillside protections were not in place at the time the Joshua One project went in and they are in favor of being sensitive to that. The proponent stated they are in favor of replacing some the trees that have been removed and are working on solutions for the area. The proponent additionally stated he is excited about it and thinks it will beautify the area. The proponent stated they are in agreement with the amending of the property lines issue raised. The proponent stated they want to be sensitive to the residents in the area and they are in favor of that. The proponent stated their biggest concern is the slope with regard to the retaining wall. He stated they are looking at all of that to make sure that works. He noted their biggest issue slope stability. With regard to the clearing of the Miranda area they worked with the city and they have actually increased the slope stability with clearing some of that and making that more stable. The proponent commented their geotech engineer stated there was a lot of junk top soil up there and it was in danger of sliding so they actually made it more stable.

OPPONENTS/NEUTRAL PARTIES

An opponent/neutral party to the issue addressed the Commission and stated he is still wanting Old State Road closed and is not proposing opening that up at this time. He also stated he does realize this would help accessibility for the development but he would like it to remain closed if the access on Dixie is denied. Another neutral party addressed the Commission and stated he would echo the comments made. He stated this has been an interesting collaborative process. He stated he is in support of the map amendments and the Stage I conceptual plan with the understanding that it is conceptual at this point. He additionally noted with regard to the waivers he is glad to hear the developer is in favor of putting sidewalks where there are front doors. He additionally stated with regard to the connection on Dixie Highway they would like to see what the transportation cabinet has to say with regard to that. He noted it might be a good idea to hold off on that waiver until there is more information from the state transportation cabinet. Another neutral party addressed the Commission and stated she wants to support the waivers. She stated the one on Dixie Highway they have pretty much supported all the way. She additionally stated to not have to reopen the Old State Road is beneficial and access off of Dixie alleviates that issue. She stated after hearing everything tonight she is for the waivers on all points. An additional neutral party addressed the Commission and stated there were some issues with the property lines as they were drawn on the plan submitted. She stated they had conversations with regard to this and the developer has agreed to adjust the property lines and the setbacks with regard to that. She stated she does have those changes and can submit those. She stated she also supports the waiver with regard to the access on Dixie Highway. A neutral party addressed the Commission and thanked the developers and stated it sounds like a wonderful development. She stated she still believes Old State Road should remain closed. She also stated the number of units was reduced so she was happy to hear that. She stated Park Hills is a wonderful place and she thinks Old State Road should remain closed because it's a straight shot and she fears speeders will come down there. She stated this is going to be a lot of cars coming down Old State and thanked the developers for narrowing it down to 82 lots. An additional neutral party addressed the Commission and stated she really supports the whole development. She stated she wanted to address the access to Dixie. She noted she feels they should consider the access from Amsterdam. She stated she supports the opening of the entire Old State with the number of units planned for the development. She stated when it was over four hundred units she did not support that. She additionally stated she thinks it will benefit the city by having it open.

An opponent addressed the Commission and stated he drives Dixie Highway on a daily basis and utilized Amsterdam and Montague on a weekly basis. He stated he does have some concerns with the

development. The opponent then presented a brief history of the area with old photos in a slide presentation. He then addressed the hillside issues and gave a brief history of changes to the zoning code over the years. He commented the hillside runoff has increased dramatically since the Joshua One development. The opponent stated the intersection of Amsterdam Road and Montague is pretty dangerous as a result. He stated another area of concern he has is with access of emergency services. He noted he is not an expert in management and fire but he has concerns with having one ingress and egress into the site. The opponent stated one of his major concerns is an apparent disregard of regulations that are in place. He noted no tree inventory was performed when the Miranda project was done and it was a significant impact on the area. He stated the beauty of the hillside is extremely unique. The opponent noted there are very few instances where you can find nice wooded hillsides that you have in Covington. The opponent stated it is the view of the hillside afforded by the community and all members of the area.

Bases for Staff Recommendation: The PDS Staff Recommendation is on file at the PDS office.

The map shows the following streets and landmarks:

- Streets:** Emerson Rd, Jackson Rd, Rose Cir, Parkvale Ln, Coram St, Old State Rd, Arlington Rd, Emerson Rd, Cherry St, Leonard St, Quarry St, North St, Montague Rd, Western Ave, Lewis St, Baker St, W 11th St, W 12th St, Hermes Ave, Southgate St, Grays Peak, W Pike St, Shawano Dr, and Parkville.
- Landmarks:** The large, shaded area in the center is labeled "PARKVILLE".
- Proposed High School Areas:**
 - Area A:** Located in the southeast corner of the Parkville area, near Shawano Dr and Grays Peak.
 - Area B:** Located in the northwest corner of the Parkville area, near Jackson Rd and Emerson Rd.
 - Area C:** Located in the southwest corner of the Parkville area, near Arlington Rd and Old State Rd.



These GIS data are deemed reliable and every effort has been made to ensure their accuracy. They are, however, provided "as is" without warranty of correctness, timeliness, reliability, or completeness. Map elements do not represent a legal survey of land. Use of these data for any purpose should be with an acknowledgement of their limitations, including the fact that they are dynamic in nature and in a constant state of maintenance. Field investigation may be necessary.