

ORDINANCE NO. 4, 2020

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, AMENDING § 51.09 OF THE CODE OF ORDINANCES TO SET THE TRASH COLLECTION CHARGE FOR THE FISCAL YEAR [~~2019-2020~~] 2020-2021

WHEREAS, in 2016, the City entered into a new contract with Rumpke of Kentucky, Inc. for the purposes of waste and recycling collection in the City;

WHEREAS, based on the terms of its contract with Rumpke of Kentucky, Inc., the City desires to amend its Garbage Collection ordinance to reflect the new charge for trash collection for the fiscal year [~~2019-2020~~] 2020-2021.

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

SECTION 1

Section 51.09 of the Park Hills Code of Ordinances is amended as follows:

§ 51.09 Cost

(A) Effective July 1, [~~2019~~], 2020 all residents of the city shall pay [~~\$192.24~~] \$198.00 per year per residential unit for the collection and removal of garbage, trash, refuse, and recyclables from each resident's premises once a week.

(B) Payment shall be made by each resident to the Clerk/Treasurer upon receipt of a bill for same between September 1 and September 30, and the city shall act as collecting agent of said garbage assessments payments for the payment of the contract carrier(s) collecting and removing the garbage, trash, refuse, and recyclables from city residents.

(C) All trash, garbage, and recyclables shall be collected and removed from the premises of the residents of city as prescribed in this chapter.

(D) Business houses (and certain designated apartments or multiple-dwelling units) in the city shall have their garbage, trash, refuse, and recyclables collected and removed from their premises at their own cost, and may do so either through the garbage collection agencies of the city or by private contract, but their garbage, trash, refuse, and recyclables shall be removed from the city each week to protect the health, safety, and general welfare of the city.

(E) This section shall be in effect for the period from July 1, [~~2019~~] 2020 through June 30, [~~2020~~] 2021.

(F) Each residence unit, whether a single apartment or single unit within a multiple-dwelling unit of any like dwelling unit, shall be considered a resident user of the garbage, trash, refuse, and recyclables collection(s), and each shall pay the required garbage, trash, refuse, and recyclables collection fee to the city under this section, except where exempted by specific action of the City Council.

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 _____, 2020

CITY OF PARK HILLS, KENTUCKY

By: _____
Kathy Zembrodt, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

ORDINANCE NO. 5, 2020

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, IMPOSING TAXES FOR THE YEAR 2020, AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES, AND THE PENALTIES AND INTEREST THEREON FOR FAILURE TO PAY SAME

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

SECTION I

The City of Park Hills hereby provides for the assessment of all real and personal property for year 2020. The City elects to use the County assessment prepared by the Kenton County Property Valuation Administrator.

SECTION II

The following ad valorem taxes for the year 2020 are hereby levied, assessed and imposed by and for the City of Park Hills, upon the following described property and the owners thereof, jointly and severally:

- A. An ad valorem tax on real property at the rate of \$.209 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof. The foregoing rate, however, shall not apply to real property determined to be an Abandoned Urban Property under Ordinance No. 6, 2004. Abandoned Urban Properties shall be taxed \$.75 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof.
- B. An ad valorem tax on all motor vehicles assessed as of January 1, 2020, is hereby fixed at .334 Dollars for each One Hundred Dollars (\$100.00) of the value thereof.
- C. An ad valorem tax on all corporate franchises and personal property other than motor vehicles at the rate of \$.75 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof. Corporate franchises shall be assessed and returned according to Kentucky law.
- D. A road tax on all real property at the rate of \$.155 Dollars for each One Hundred Dollars (\$100.00) of the value thereof, as assessed pursuant to the provisions hereof.

SECTION III

The procedures set forth in Sections 33.010, 33.011, and 33.012 of the Park Hills Code of Ordinance shall govern the collection of the ad valorem taxes levied pursuant to this Ordinance.

SECTION IV

All ad valorem taxes shall become due on September 30. Anyone failing to pay the tax by September 30 shall be deemed delinquent, and the bill shall have added thereto a penalty on the amount of the taxes in an amount equal to 10 percent between October 1 and October 31; and an amount equal to 25 percent after October 31. Interest shall accrue at the rate of 12 percent per annum from the due date until paid. The delinquent taxpayer shall also pay all costs and expenses incidental to any action taken by the City for any collection of the delinquent tax bill, including court costs and attorney's fees as an additional penalty under KRS §91A.070(2).

The City has a lien upon the property assessed under the terms of this chapter for the taxes levied upon that property, and for all penalties, interest, fees, commissions, charges, and other expenses, including court costs and attorney's fees as an additional penalty under KRS §90A.070(2), incurred by reason of delinquency in payment of the tax bill or in the process of collecting it. The lien has priority over all other obligations or liabilities for which the property is liable.

SECTION V

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

SECTION VI

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 VII

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 _____.

CITY OF PARK HILLS, KENTUCKY

By: _____
Kathy Zembrodt, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

CITY OF PARK HILLS, KENTUCKY
RESOLUTION NO. 12, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, IN
KENTON COUNTY, KENTUCKY TO APPOINT DANIEL R. BRAUN AS CITY
ATTORNEY**

WHEREAS, Mayor Kathy Zembrodt desires to appoint Daniel R. Braun, an attorney licensed to practice law in the Commonwealth of Kentucky, to serve as city attorney; and

WHEREAS, Section 30.035 of the Park Hills Code of Ordinances provides that “[a]ll non-elected officers and professional contractors shall be appointed by the Mayor with the approval of Council”;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council of the City of Park Hills, Kentucky hereby approves the Mayor’s appointment of Daniel R. Braun to serve as city attorney;
2. The City Council of the City of Park Hills, Kentucky further authorizes the Mayor to execute the fee agreement proposed by Daniel R. Braun, which is attached to this Resolution and incorporated herein as Exhibit A.

Adopted this 10th day of August, 2020.

Certified by: _____
Kathy Zembrodt, Mayor

Attested by: _____
Julie Alig, City Clerk



DANIEL R. BRAUN, PSC

ATTORNEY AT LAW

526 Greenup Street, Covington, Kentucky 41011-2522 (859) 491-5055
Fax (859) 261-6567

July 15, 2020

Ms. Kathy Zembrodt
Mayor
City of Park Hills
1107 Amsterdam Road
Park Hills, KY 41011

RE: Engagement Letter/Fee Agreement

Dear Mayor Zembrodt:

Thank you for employing my services to act as City Attorney for the City of Park Hills. Though my position as City Attorney for Newport will continue to be primary I am able to dedicate the time necessary to represent your interest and will attempt to avoid all time conflicts, especially as it deals with meeting attendance. Though I am a solo practitioner other members of my legal staff will assist me when any conflicts may arise.

This Engagement Letter and Fee Arrangement (Agreement) shall serve as the agreement between myself and the City of Park Hills for services to be rendered. It is understood that the scope and nature of our agreement is limited to representing the City in connection with general municipal and litigation matters. When necessary, I will employ other associated attorneys and secretarial staff to assist in handling work in association with my representation of the City's interest and my endeavors. Attorneys with special expertise in a given area may become involved in your representation from time to time and shall only be employed with your prior consent.

I have no conflicts of interest that would prevent me from representing your interest. I will advise my malpractice carrier of this new representation for coverage purposes.

It is understood that this relationship may be terminated by either party, with or without cause, by giving the other party thirty days written notice of such termination. Any remaining fees or expenses shall be paid at such time.

Concerning the fee arrangement, the following shall apply:

Retainer: You have advised and it is accepted that the City shall pay a monthly retainer of \$500.00, payable directly on the 1st day of each month without invoice. The retainer payment shall cover preparation and attendance at one monthly council meeting, normally conducted on the 2nd Monday of each month. In the event there is also a caucus meeting during the month, there shall be an additional \$500.00 payment. The total retainer shall be \$1,000.00, per month. The retainer shall cover non-substantive communications unrelated to legal services provided.

Fees: Outside of the retainer, I will bill for services on the standard hourly basis. My billing time will be in 10 minute increments billed to the nearest increment. Fee rates will be calculated by applying the hourly rate assigned to attorneys or other staff by the time spent on each matter. As with your prior counsel I will undertake representation at the initial rate of \$180.00, per hour, for attorney work and one-half of such, or \$90.00, per hour, for other attorney, paralegal or legal secretarial work required. These billing rates may be reviewed annually and adjusted with prior written notice of such being provided.

Other Charges: Depending upon the matter, I may be required to use various in-office support systems and outside services and the City may incur and be billed for costs in addition to professional fees. For example, large copy projects, overnight mailings, long distance telephone calls, computer research charges, travel expenses, filing and recording fees, court reporting and expert witnesses. (If the employment of any expert is required, prior approval will be sought before incurring any such expense). These costs will be added to the monthly billing statement for reimbursement or payment. There may occasion where I may request the City pay a vendor directly.

Billing Procedure: I will invoice the City on a monthly basis at the beginning of each month for the prior month's activity. The invoice shall separately state the amount of fees and costs. The invoice shall be due and payable within 15 days thereof. Payment shall be made to the order of Daniel R. Braun, PSC.

Other Matters: As I am often absent from my office, contact can be made through use of my cell phone number, 859-653-9526 and e-mail at braunnkylaw@aol.com. The City agrees to provide me with all file materials, Ordinance books and/or other documentation or records necessary to undertake my representation. I shall also be free to use the services of the City Clerk when necessary.

Commencement Date: The terms of this Agreement shall commence as of August 1, 2020.

By signing below we hereby acknowledge that we have read the foregoing, agree to and accept its terms and conditions and that such will act as the Agreement by and between the parties hereto, with the Mayor having legal authority to consent and execute the same so that Daniel R. Braun, PSC shall be and is hereby employed to represent the City of Park Hills in accordance therewith.

CITY OF PARK HILLS, KENTUCKY

By: 

KATHY ZEMBRODT
Mayor

DANIEL R. BRAUN, PSC
ATTORNEY AT LAW

By: 

DANIEL R. BRAUN
ATTORNEY

Kathy,

If this acceptable, please execute and return a copy to me. I'll then be in touch on what to do next to start to get acquainted with matters and personnel. Thanks.

CITY OF PARK HILLS, KY

MUNICIPAL ORDER NO. 2, 2020

**A MUNICIPAL ORDER CONFIRMING THE MAYOR’S RE-APPOINTMENT OF
ROBERT SWEET TO THE PARK HILLS BOARD OF ADJUSTMENT**

WHEREAS, THE PARK HILLS ZONING ORDINANCE, ARTICLE XIX ESTABLISHES THE BOARD OF ADJUSTMENT and allows the Mayor, with City Council’s approval, to appoint Board Members for four-year terms, the appointment to be as follows:

Member:
Robert Sweet

NOW, THEREFORE, IT IS HEREBY ORDERED that the appointments to the Park Hills Board of Adjustment be effective for a four-year term beginning August 27, 2020 and ending August 26, 2024.

KATHY ZEMBRODT, MAYOR

ATTEST:

CITY CLERK

DATE: _____