

THE PARK HILLS CITY COUNCIL HELD A SPECIAL BUSINESS MEETING ON MONDAY, AUGUST 9, 2021 AT 7:00 P.M. DUE TO COVID-19, THE CITY HELD A VIRTUAL MEETING WHICH STREAMED LIVE THROUGH TBNK WITH MAYOR, KATHY ZEMBRODT PRESIDING. MAYOR AND COUNCIL MET IN PERSON IN THE COUNCIL CHAMBERS WITH NO RESIDENTS ALLOWED. COUNCILMEMBERS PRESENT: PAM SPOOR, SARAH FROELICH, JOE SHIELDS, TONY DARIN AND DR. KEVIN DOWNES.  
ABSENT: STEVE ELKINS  
ALSO PRESENT: CITY ATTORNEY, DANIEL BRAUN AND CITY ENGINEER, JAY BAYER

Call to Order

Pledge of Allegiance

Roll Call

Motion to approve the July 12, 2021 minutes was made by Ms. Spoor; second by Mr. Shields. Roll call: all ayes

#### I. Presenter

##### A. Sharmili Reddy and Joe Busemeyer, PDSKC

Mr. Reddy thanked Mayor and Council for their time. She began by stating she is aware of some of the concerns regarding the PDS's services and wants to assure that they want to be responsive. She added; they have had quite a bit of communication with the Mayor to make sure the city's Zoning Ordinance is being administered correctly. The city will be notified of all permits issued. She appreciated meeting with Mayor Zembrodt and Ms. Spoor. She also thanks Mr. Shields who is the city's PDS representative.

Ms. Reddy introduced Mr. Joe Busemeyer who is also on staff at the PDS. He is the PDS liaison assigned to Park Hills. Mr. Busemeyer will be the point of contact for any issues the city may have. Mr. Busemeyer has been part of the GIS team with PDS for 14 years and is the Administrator for GIS map views.

The Mayor would also like to also receive the plans for any permits issued. Ms. Reddy said she could make those available. Ms. Reddy also stated that they recently hired Mr. Josh Wise as the new Community Development Manager. He was formerly the Economic Development Director for the City of Florence. He will be reaching out to the Mayor soon to see how he could possibly help Park Hills. Ms. Spoor asked if this was included with the city's PDS services or an additional cost. Ms. Reddy replied they are still working on this and it is still in its early stages. Ms. Spoor would like to see planning linked to development.

Mr. Shields asked what brought them to tonight's meeting. Mayor Zembrodt replied there were some drainage issues on a property on Cleveland regarding their new pool and pool house. Dr. Downes asked if there was BOA approval. Ms. Reddy replied it did not go to the BOA due to the fact that it is technically not a livable space and is considered an accessory use. The building has everything a home would have minus a bedroom. Ms. Spoor claims the music and parties are loud even at 1 a.m. Ms. Reddy stated the city's BOA is very defined in its statute. She suggested during the Z21 process, to look at issues that cause heartburn in the city and they can be addressed when the zoning code is

updated. She added; the PDS has requested a drainage plan from the property owner. Ms. Spoor thanked Ms. Reddy and Mr. Busemeyer for their patience and for attending this evening. Mayor Zembrodt echoed.

II. First Reading; Ordinance No. 9, 2021 regarding public nuisances was read in summary by Attorney Braun. Mr. Braun explained the reason for the Ordinance is to make sure action is not required by the city for every nuisance that occurs. If a complaint comes in, it will be addressed by the Police and/or Fire Department(s). If it is not a citable offence, no further action will be required of the city. Ms. Froelich asked about the language left out of the Ordinance after the last sentence in Section I ‘without limitation:’. She would like to see it added back in before voting.

Ms. Spoor pointed out that the nuisance code is in Section 91 but the noise is in Section 96. Mr. Braun explained he created a new section for the noise Ordinance. Ms. Froelich asked who sponsored these Ordinances. Ms. Spoor stated an Ordinance does not need to be sponsored by a Council person.

Mr. Shields added that he would still like to know the genesis of Ordinances in the future. Ms. Spoor agreed with Ms. Froelich about the need to add the language after the ‘without limitation:’ as some items made need to be tightened; more clarity. Mr. Braun stated he would add the language for Council to look over before the 2<sup>nd</sup> reading.

III. First Reading; Ordinance No. 10, 2021 regarding noise was read in summary by Attorney Braun. Mr. Braun stated this is a stand-alone Ordinance draft which Council may want to amend further and finish the Penalty Section. Ms. Spoor would like to add ‘party music’ to Section 96.3. Mr. Braun will add.

Mr. Downes asked about the clause in Section 96.1 which reads; ‘as measured within one hundred (100) feet of the source of the noise’. He asked if the words ‘or the property line; whichever is less’ be added. Chief Stanley stated the Ordinance needs to clearly state what is citable as it could become time consuming; he would like a form of measurement. Discussion regarding desired changes and/or amendments followed. Ms. Spoor would like the Ordinance to be as clear as possible. She also reminded that Institutional Zones have their own Ordinance and will need to be exempted from this one.

Ms. Froelich asked if the times could be changed to 11 p.m. to 7:00 a.m. every day. Council was in agreement of this. Mr. Braun stated he has not developed the penalty phase. Ms. Spoor stated they should be cited and repeat offenders’ fines be escalated.

IV. First Reading; Ordinance No. 11, 2021; tax rate for 2021 was read in summary by Attorney Braun. Mayor Zembrodt explained Council will hold a Special Meeting on August 23<sup>rd</sup> so that the tax rate Ordinance can be adopted before the bills are sent out in September. She added; the NKADD came up with a compensating rate of .216 but that she asked the clerk to leave it at .209. She asked Council their thoughts. Ms. Spoor doesn’t like to raise taxes. Ms. Froelich asked Council to plan ahead for a meeting space. Ms. Spoor replied the city has the largest savings and reserve in city history and has achieved that without raising taxes. The personal property tax rate was discussed. The Ordinance has that rate at .731 as opposed to last years’ .75.

V. Department Reports

A. Police Department – Chief Cody Stanley

**Chief Stanley's August report contained the following:**

Reports: 9 (3 traffic accident)

Citations: 106 (some of the traffic and criminal are on the same citation)

- 1 Warrant Arrest
- 103 Traffic citations (1 DUI Arrests & 97 Federal Grant Citations)  
21 Criminal Arrest (2 Possession of a Controlled Sub 1st)

City Citations: 9 (5 paid/voided)

Additional:

858 calls for service less 133 Bromley, 149 traffic stops, 424 Vacation/Business/ Special Area Checks, 7 Special Detail we had a total of 147 police related calls.

Chief Stanly added; Mr. Josh Turner was convicted and received multiple life sentences.

Lt. Webster handled the investigation

Call Review:

5 traffic citations on Dixie Highway & 1 on St. Joseph Lane.

Ms. Spoor asked about the camera on St. Joseph Lane and whether it was moved. Chief Stanley said he asked Lt. Webster to look at it and it was discovered the camera no longer works. The Chief explained they are not allowed to cite from camera footage but they are able to gather information. He stated he can install another camera at the Elberta/St. Joseph intersection but he will need an energy source and a place to post it. A new camera will cost several thousand dollars. The Chief advised Council that the property owner on Elberta has cameras in place and are happy to share information with the PD. He stated the cruiser will once again be parked near the Amsterdam/Short Arlington intersection.

Ms. Spoor relayed to the Chief that cars are not stopping at the bottom of Montague where it meets Amsterdam Road and asked if a cruiser could also be placed near there. The Chief will look into.

B. Fire Department – Chief John S. Rigney

Chief Rigney's monthly report contained the following:

- A total of 39 calls were received during the month of July. The incidents are broken down by type on the Activity report.
- Annual inspections continued with all city businesses and commercial occupancies.
- All ladders completed NFPA annual testing with no issues.
- Crews responded to assist Ludlow FD with a house fire on Park Avenue
- Fire hydrants are being painted. There are about 150 throughout the city and the FD alternates by doing about 25 per year.

C. Public Works – Dan VonHandorf

- Greetings Mayor and Council and thank you for another month.

- Happy to report Michels Construction has done some paving work on Hamilton and end of Old State; we also have added a crosswalk at the lower end of Trolley Park connecting to the Amsterdam walk.
- Tommy and I got the debris cleaned up along the north end of Hamilton and it looks a lot nicer.
- Working with the county and contractor who is willing to help me get 6 of the worst pot holes on Amsterdam between Altavia and Sleepy Hollow ASAP. He is shooting for next Wednesday the 18<sup>th</sup>. I've been trying to get this plan together for a while. The big problem is we don't want to waste a lot of money down there.
- Also working on painting cross walks and stop bars as well as making sidewalk improvements in the city.
- The guard rail has been installed at the end of Mt. Allen and all is looking good.
- Thanks. Any questions?

Mr. Shields commented on how much better Hamilton Road looks. He mentioned the garbage truck backing up at the end of Mt. Allen Road. Mayor Zembrodt stated there is a resident parking vehicles there and it interferes with the garbage trucks. A letter was sent and she has also asked Mr. Bayer to look into.

Discussion regarding the church stairs and sidewalks took place. Ms. Spoor would like to discuss these issues further at a future meeting.

D. City Engineer – Jay Bayer

The written report contained the following:

**Projects in design phase:**

**St. Joseph Lane Sidewalk Project**

Updated construction plans and Right of Way plans have been provided by the city to KYTC for review and approval. KYTC anticipates approval of the Right of Way Funds by the FHWA (Federal Highway Administration) in May or June. KYTC recently suggested that the city submit a pay request which may initiate the right of way funding process.

**Private projects in the city:**

**Gateway Development (aka Park Pointe)**

The city performed a punchlist walk for the Amsterdam portion of the project on 1/12/2021. The contractors are working thru the items. The city has a bond in place until the punchlist work is completed. A plat is being prepared by the developer to dedicate the proposed right of way along Amsterdam. A scarp, or minor slide, has occurred during the construction of the regional detention basin. The developer's geotechnical engineer has designed a pier system which is being constructed to address the issue.

**Our Lady of Lourdes Grotto**

Revised construction plans have been submitted to the city for review of the proposed Grotto. Review comments were provided by the city to PDS and the applicant on July 14, 2021 for plans dated 6/14/21.

Mr. Shields inquired about the steps on Dixie leading up to Park Pointe. Dr. Downes commented someone put some concrete at the top of the stairs and planted some Norway spruce. He believes there are still trip hazards. Mayor Zembrodt stated that Mr.

Zeltwanger was working on the stairs issue. Discussion regarding a sidewalk/crosswalk along Dixie Highway took place.

Ms. Spoor brought up her concern regarding the structure being built at 1307 Amsterdam Road. She stated that we, as a city, do not receive an opinion from our city engineer, Jay Bayer. She is worried if there is a slide at the property, the city has nothing to fall back on. She would like something to go into the city file stating that the engineer has reviewed the plans and finds them to be sound. This would give the city something to rely on should we be sued. She mentioned the city being sued after the Montague Road slide. Mr. Bayer stated that the plans at the Amsterdam property changed and since the retaining wall was no longer needed, his role in the project went away. If there was to be a wall and/or it was on a slope, he would have been involved. But, since it did not, he had no further comments regarding the plans. He also reminded Council that when the Montague slide occurred, the city had its own building inspector, not PDS, who issued the permit. Ms. Spoor still feels that the city's zoning laws are being skirted around by builders.

E. Treasurer's Report – Julie Alig

Motion to approve the June and July financial reports was made by Ms. Spoor; second by Mr. Shields. Roll call: all ayes

The Mayor stated the city has received the first installment of the \$551K of federal monies. For now, it has been deposited into the city's reserve fund. The money can be used for internet, cable and infrastructure.

Ms. Froelich asked what the plans were for the Road Fund and the \$276,579 needed to be paid back to the General Fund out of it. Mayor Zembrodt replied it will be left, for now, as an Accounts Receivable in the General Fund. She stated there is no rush to do anything with it right now. Ms. Froelich wants to make sure it is addressed. Mayor Zembrodt stated in next years' budget, some of it can be put back into the General Fund and leave enough in the Road Fund to make the loan payments.

Motion to pay the Vehicle Fee fund invoices in the amount of \$4,152.74 was made by Mr. Shields; second by Dr. Downes. Roll call: all ayes

VI. Committee Discussions

A. Tree Board

Ms. Froelich stated the Board continues to work towards planting 1,000 trees over the next 5 years. The Plant-A-Tree program is taking applications now through October 1<sup>st</sup>. They are also working on their Tree-A-Street program and are looking at nominations for streets to be done. The next meeting is scheduled for Thursday, September 2<sup>nd</sup>.

Ms. Spoor stated the cleaning and clearing on Hamilton Road is being done. The first half is finished and hopes to do the other half. Before spraying, she would like to give notice to the resident near there that raises butterflies. There is also a dead tree that needs to be dropped and cleaned up.

VII. Old Business - None

VIII. New Business

Ms. Spoor has been asked by residents about the safety issue in regard to where Emerson Road meets Breckenridge. Currently, the intersection has a 2-way stop. She would like to add another stop sign on Breckenridge to make it a 3-way stop. Mr. Braun stated Council could pass an Ordinance to add the stop sign or have Public Works go ahead and install. Mr. VonHandorf stated he would address the stop sign tomorrow.

Ms. Spoor also asked if the speed limit on Cleveland could be lowered to 15 mph. Mr. Braun gave approval to change the sign to 15 mph; no Ordinance necessary.

9:15 Motion to enter into executive session, pursuant to KRS 61.810(1) (b), (c) and (f) to discuss deliberations on the future acquisition or sale of real property and/or to discuss pending or threatened litigation and/or to discuss the appointment, discipline, or dismissal on an individual employee, was made by Ms. Spoor; second by Mr. Shields  
No action will be taken following the executive session.

Motion to adjourn was made by Ms. Spoor; second by Dr. Downes

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Mayor, Kathy Zembrodt

ATTEST:

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City Clerk