

THE PARK HILLS CITY COUNCIL HELD A SPECIAL/CAUCUS MEETING ON MONDAY, AUGUST 23, 2021. DUE TO COVID-19, THE CITY HELD A VIRTUAL MEETING WHICH STREAMED LIVE THROUGH TBNK WITH MAYOR, KATHY ZEMBRODT PRESIDING. COUNCILMEMBERS PRESENT: PAMELA SPOOR, SARAH FROELICH, STEVE ELKINS AND KEVIN DOWNES
ABSENT: TONY DARIN (ABSENT FOR THE SPECIAL MEETING/PRESENT FOR THE CAUCUS) AND JOE SHIELDS
ALSO PRESENT: CITY ATTORNEY, DANIEL BRAUN

Special Meeting

Call to Order

Pledge of Allegiance

Roll Call

I. Second Reading; Ordinance No. 9, 2021 regarding public nuisances was read in summary by Attorney Braun. Mr. Braun made several changes to the Ordinance as requested by Council. Motion to adopt Ordinance was made by Ms. Spoor; second by Mr. Elkins. Roll call: all ayes

II. Second Reading; Ordinance No. 10, 2021 regarding noise was read in summary by Attorney Braun. Motion to adopt Ordinance was made by Ms. Froelich; second by Dr. Downes. Roll call: all ayes

Several residents were invited to the meeting to voice their concern regarding this Ordinance. Ms. Betsy Weber, Cleveland resident, stated there have been noise issues with the new pool next door to her and says it affects other residents also. She is in favor of the Ordinance which limits loud noises during the night hours.

Mr. Jim Matchinga, a Jackson Road resident, stated that his home abuts the back of named property. He agrees with Ms. Weber regarding the restricted hours.

Mr. Paul Ryan asked if the noise Ordinance was brought about because of his property. Mayor Zembrodt stated they wanted to make the times uniform. Ms. Froelich added that they were addressing other noise issues such as loud motorcycles. This isn't against motorcycles but addresses that some are excessively loud.

Mr. Ryan asked what conditions would warrant a permit. Mayor Zembrodt replied the permits mentioned in the Ordinance refer to approved events. Mr. Braun echoed that stating they are for out of the norm events that may be held outside the time(s) stated in the Ordinance. The applicant would have to give a location, time, etc. In the past, permits were brought to Council for approval. Mr. Braun stated the Mayor can get the advice of Council but the Ordinance states the decision is ultimately made by the Mayor and/or the Police Department.

III. Second Reading; Ordinance No. 11, 2021; 2021 tax rate was read in summary by Attorney Braun. Motion to adopt Ordinance was made by Ms. Spoor; second by Dr.

Downes. Ms. Froelich asked if the personal property tax could remain at .75 instead of the proposed .731. Per the NKADD report, she added, the lower rate of .731 is based on taking the higher compensating rate of .216 for the general property tax. Since we are keeping the general property tax at .209, we should also keep the personal property tax at .75. She figured the .75 rate would bring in about \$2K more. Motion to change the personal property tax from .731 to .75 was made by Ms. Froelich; second by Dr. Downes. Roll call: all ayes

IV. First Reading; Ordinance No. 12, 2021; zoning text amendment was read in summary by Attorney Braun.

Dr. Downes asked if there were any plans for a sidewalk in front of the liquor store. Bobby, liquor store representative, stated he wants to encourage safety. His goal would be to have a safe pedestrian passage from the light to the steps, including Ft. Mitchell Garage and the other businesses along that side of Dixie Highway. Another representative identified in the meeting as ‘Caller 02’ stated that they are not that far with the architecture yet. They would only be responsible for a sidewalk in front of their property, no one else’s. Mayor Zembrodts stated she spoke with someone from the County saying they would like to continue the sidewalk on the other side of Dixie Highway. They are still looking into it. Dr. Downes believes a crosswalk on Dixie Highway would be problematic and a pedestrian bridge too expensive. He believes it would be beneficial for each business owner to put a sidewalk in front of their respective businesses. Mr. Duncan said he would get with the planner to look at the sidewalk issue.

7:40 Motion to adjourn from Special Meeting was made by Mr. Elkins
Mr. Elkins left the meeting and was not present for the following Caucus meeting.

Caucus Meeting

Call to Order

Mr. Darin joined the meeting

Mr. Paul Ryan, Cleveland resident with the pool and building construction project, asked to read the letter he sent to the Mayor and Council. Mayor Zembrodts stated everyone received a copy already and if he wanted to just comment on it, it would be included in minutes. Mr. Ryan stated he would still like to read the letter and it was read in its entirety excluding the following paragraph;

‘We would be remiss if we did not recognize the law enforcement officers in our city, as well as the public works personnel, and other city employees who have all acted completely professionally throughout this entire unfortunate process. We would like to commend them for their patience, service, and objectivity during what must be an untenable situation for them because those in a position of authority over them have

continuously attempted to exert undue influence with respect to this situation. We apologize for the constant calls, texts and visits, as well as the overall pressure that is being applied to these employees by certain representatives of the City to come up with new and creative ways to punish us because our neighbors were unable to prevent us from completing an authorized construction project on our personal property.’ During the reading of the letter, Ms. Spoor stopped Mr. Ryan to say she has never called the police on him. Mayor Zembrodt also stated she, herself, has never come on his property. Mayor Zembrodt stated that the city has reached out to the PDS regarding water runoff.

Mr. Matchinga is concerned with the water runoff onto his property. He said that Mr. Ryan showed him plans redirecting the water. Mr. Matchinga also stated a lot of the issues have to do with the construction of the project. He is concerned the street was not able to handle the weight of all the trucks going in and out; especially on the access alley behind Mr. Ryan’s home. Mr. Matchinga hopes Mr. Ryan will accept responsibility for any flooding issues.

Sidewalk Discussion:

Ms. Froelich asked how the city was adjusting to the Z21 effort and to perhaps look at more specifics of our Zoning Code. She asked to be clear that this effort is not is response to the project on Cleveland but the city in general. Maybe, have more projects come before the BOA. She added; eliminating parking on Cleveland was never proposed but to be aware there are speed concerns on the street.

Mayor Zembrodt asked who is responsible for sidewalk repair/replacement. She would like to have an Ordinance to address. Mr. Braun stated that he was anxious to address the sidewalk issue after last months’ discussion. He drafted an Ordinance for Council to start the discussion. He borrowed some from other city’s Ordinances and made up some of the other using standard procedures. Dr. Downes suggested the city bring the sidewalks to a certain level and then transfer them to the homeowner. Mayor Zembrodt stated there was a sidewalk study showing the problem areas. Mr. VonHandorf is working on some of the worst sections. Ms. Spoor believes what Mr. Braun drew up is very comprehensive but would like more time to study. Mr. Braun agreed it was drawn up strictly for discussion. Ms. Spoor stated sidewalks are important for safety and enjoyment and not retaliatory in addressing Cleveland. Mr. Darin agrees and also has never had the intent to eliminate parking on Cleveland but does believe the street is dangerous and narrow.

Discussion followed regarding ownership of sidewalks and liability.

Ms. Spoor asked if conditions, such as the sidewalk being closed on Amsterdam Road, can be addressed. Children walking to and from school have to go into the street. Mr. Braun stated he could look into.

Mr. Braun stated the city does have insurance coverage. If a defect in the sidewalk is city negligence and causes injury, it can be sent to the insurance carrier for them to look at. Mayor Zembrodt advised Council to look over Mr. Braun’s draft Ordinance. Dr. Downes believes public input would be beneficial. Ms. Froelich agreed. Mayor Zembrodt

suggested putting something in the upcoming newsletter and have residents contact the city clerk with their feedback.

Ms. Froelich asked if there has been any more correspondence regarding the St. Joseph Lane sidewalk. Mayor Zembrodt replied the city was told to ask for a money draw for the cost of the engineer's fees. She was connected to someone at the KYTC on August 5th and was assured the right-of-way draw request was received. Other than that, she has not had any other correspondence.

It was asked of Council to look over the sidewalk Ordinance draft for further discussion at an upcoming meeting.

8:37 Motion to adjourn from Caucus meeting was made by Dr. Downes; second by Mr. Darin.

Mayor, Kathy Zembrodt

ATTEST:

City Clerk