

THE PARK HILLS CITY COUNCIL HELD A SPECIAL BUSINESS MEETING ON MONDAY, OCTOBER 11, 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.

COUNCILMEMBERS PRESENT: PAM SPOOR, SARAH FROELICH, JOE SHIELDS, STEVE ELKINS, TONY DARIN AND DR. KEVIN DOWNES.

ALSO PRESENT: CITY ATTORNEY, DANIEL BRAUN

Call to Order

Pledge of Allegiance

Roll Call

Motion to approve the September 13, 2021 minutes, as amended, was made by Ms. Spoor; second by Mr. Shields. Roll call: all ayes

I. First Reading; Ordinance No. 13, 2021 regarding a Cable Television Franchise Agreement was read in summary by Attorney Braun.

Mr. Lange stated he did not attend the public meeting due to surgery and has nothing to add. Ms. Spoor wished him well and asked if there is a financial component to the city.

Mr. Lange replied he does not believe there is. Mr. Braun agreed.

Ms. Froelich asked if there are any provisions; what benefits will the city receive? Mr. Lange stated there aren't any as these are federal level changes only. The city will still retain its high definition and all seven of its community channels.

Ms. Froelich asked if all of Park Hills is part of the coverage area. If part of the city isn't covered, are there plans for more complete coverage? Mr. Lange stated he does not know of any but would ask Mr. Tim Broering at the next meeting scheduled for October 20th.

II. First Reading; Ordinance No. 14, 2021 giving signage posting authority was read in summary by Attorney Braun. This Ordinance will allow signs to be put up by Public Works with Council's approval for safety concerns.

III. First Reading; Ordinance No. 15, 2021 amending Code of Ordinances concerning stop streets was read in summary by Attorney Braun.

IV. Department Reports

A. Police Department – Chief Cody Stanley

Chief Stanley's October report contained the following:

Reports: 10 (3 traffic accident)

Citations: 151 (some of the traffic and criminal are on the same citation)

- 6 Warrant Arrests
- 144 Traffic citations (3 DUI Arrests & 134 Federal Grant Citations)
- 1 Criminal Arrest
- City Citations: 4 (1 paid/voided)

Additional:

963 calls for service less 208 traffic stops, 488 Vacation/Business/ Special Area Checks, 24 Special Detail we had a total of 149 police related calls.

Call Review:

3 traffic citations on Dixie Highway, 1 on St. Joseph Lane and 4 in the apartments.

Dr. Downes stated he received complaints from citizens about the persistent parking on the sidewalk on Amsterdam Road. Chief Stanley stated the officers don't enforce it unless they receive complaints. He added; they could change it from a fine to a towable offense.

Mr. Downes also stated that people are driving around the speed bump on Amsterdam near Trolley Park. Chief Stanley stated they will be cited if observed. He suggested extending the bump all the way across the road. Ms. Froelich stated she doesn't feel confident that this is proper use of a speed bump. She thinks it is a chance to have more enforcement certain times of the day. Chief Stanley stated that the new cruiser has been outfitted so the extra cruiser can be parked back by the park. Mayor Zembrodt instructed Mr. VonHandorf to extend the bump and then wait for feedback. She also asked the Chief to have someone there during rush hours. Mr. Elkins would like to discuss further at the Infrastructure Meeting.

Mr. Gray is concerned with people parking over the bumps as it makes access for his grandchildren on bikes more difficult. Chief Stanley stated he would check on it. Ms. Froelich also reminded to make sure our bumps are not affecting residents' mobility; especially on streets without sidewalks.

Mr. Braun circled back to the parking on sidewalk issue and stated it is prohibited and vehicles can be impounded. He suggested signage stating that be put there.

B. Fire Department – Chief John S. Rigney

Chief Rigney's monthly report contained the following:

- A total of 27 calls were received during the month of September. The incidents are broken down by type on the Activity report.
- Crews have completed the majority of hydrant flushing in the residential areas.
- Annual fall maintenance and testing of equipment has begun.
- Halloweenies has unfortunately been canceled again due to COVID-19 concerns.
- FD members to explore the feasibility of replacing the 1990 Ford with a 2003 unit.

Mayor Zembrodt told Council that Chief Rigney had brought to the Financial Oversight Committee the interest in purchasing a used fire truck. Chief Rigney explained that over the past several years, replacement of the 1990 truck has been on the radar. The cost to replace with a new truck would be between \$500,000 and \$600,000. He stated he was approached by someone stating they had a 2003 truck available. He said the truck is in great condition with great features. The 1990 truck is becoming obsolete and is hard to find parts for. They are asking \$125,000 and he believes it is well worth it. They will need to put an additional \$35,000 to \$40,000 in it for upgrades. He believes this truck should last ten or more years. He believes this is a great opportunity for the city to save money. This truck is also the right size to fit in the FD's bay. Many new trucks would be too large.

Mayor Zembrodt stated that the FD was willing to use some of its Creighton Fund money toward the purchase. Ms. Spoor added that besides one member having some reservations, the Financial Committee was supportive. If the truck meets Chief Rigney's expectations, it would take stress off of the city's Capital Improvement Plan. She believes this is a positive for the city. Mr. Darin asked if the 1990 truck is worth anything. Chief Rigney replied that even though they took good care of it, it is functionally obsolete. A collector may want to purchase it and they could maybe get \$4,000 to \$5,000. Ms. Spoor stated \$75,000 would be used from the Creighton Fund towards the truck's purchase. Mr. Shields asked if the city would have to borrow the rest. Mayor Zembrodt said the balance could be taken out of the general or reserve fund. Mr. Shields asked to hear more about the purchase and also knows that Mr. Gary Huff is adamantly not in favor. Ms. Spoor replied that she believes Mr. Huff's contention is that he wants to see consolidation of departments. Ms. Spoor also added that she would prefer to not take on any debt. Ms. Froelich stated she would also like to hear from Mr. Huff. Mr. Braun stated he could put in Ordinance form if Council gives consensus vote with contingencies. Mayor Zembrodt directed Chief Rigney to go ahead and make an offer as time is of the essence. Ms. Spoor asked Chief Rigney to explain why we need a second truck instead of entering into a contract for service. Chief Rigney stated that the department just had its ISO rating; two functioning fire trucks are needed. The city has aid from Ft. Wright but that is not counted in the rating. If one truck doesn't start, a backup truck is needed. If their department is called to another for backup, that leaves no truck in the city. Mayor Zembrodt added that getting service from somewhere else would be expensive. Ms. Spoor also stated the city would have no control over the associated costs. Motion to purchase a 2003 Seagrave Firetruck in an amount not to exceed \$165,000 with incurring debt to be paid from the existing Creighton and/or General Fund with the understanding that the apparatus will meet all necessary fire department requirements was made by Ms. Spoor; second by Mr. Elkins. Roll call: all ayes

C. Public Works – Dan VonHandorf

- Greetings Mayor and Council and thank for another month and another thank you to y'all and the Financial Oversight Committee for approving the purchase of a new truck which I picked up Thursday. But the body company is waiting on a part to come in before they will start putting the snowplow and bed on it. So, we are looking at about 8-10 weeks to be outfitted.
- While on the truck subject, about getting rid of the old one; sell it outright, or there is a company called municabid that is a bidding site and could get more money for it.
- We finished up the paint striping for the weather is getting very unpredictable, but I am planning to get an early start next year to pick up where we left off.
- I have many sidewalk repairs to make and will be working on them soon.

Mr. VonHandorf stated he would extend the speed bump across the road and order signs for Amsterdam Road.

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Mr. Shields asked who is responsible for sidewalk repair. Mayor Zembrodt said Mr. VonHandorf will repair the big problem areas. After that, an Ordinance will be created which will give responsibility of repair to the property owner.

D. City Engineer – Jay Bayer

Mr. Bayer was absent from the meeting. Mayor Zembrodt read over his report.

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) shortly. KYTC has provided a list of additional requested items for the required temporary easements. The city attorney and engineer are providing these items.

Private projects in the city:

Gateway Development (aka Park Pointe)

The city of Park Hills 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 puchlist 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 area was restored recently with finish grading and seeding.

E. Treasurer's Report – Julie Alig

Motion to approve the September financial reports was made by Ms. Froelich; second by Ms. Spoor. Roll call: all ayes

Motion to pay the Vehicle Fee fund invoices in the amount of \$3,036.25 was made by Dr. Downes; second by Mr. Shields.

Ms. Froelich asked about the significant cost of engineering for the Cleveland pool project and whether we will see more costs. Mayor Zembrodt stated the PDS has a drainage plan they are working on. Mr. Shields asked why the city was paying for something the resident failed to do. Mayor Zembrodt replied that the resident had a plan but it was not a proper plan. The plan was referred to the PDS who in turn referred to the city's engineer.

Roll call: all ayes

Ms. Spoor abstained from the vote

V. Committee Discussions

A. Ms. Spoor asked to give an update on the Z21 plan. She stated she met with Mayor Zembrodt and Ms. Froelich and two officers from the PDS (Andy Videkovich and Patrick Denbow) on September 16th through a zoom meeting. Z21 is a modernization of the area wide zoning codes that began in 2018 with the intention to make them more user friendly in terms of use and understanding and to make them more area appropriate

instead of generic. The process is estimated to take a year as PDS meets with the respective cities and tailors the code to the needs.

Discussion took place regarding Article VI-Universal Regulations. It was decided to eliminate lot coverage – measurement of intensity of land use as we are not sufficiently urban for this to apply to our city.

Discussion turned to Article XII – Amendments to Plans. Stage 1, Stage 2 – final and minor amendments. Ms. Spoor asked for clarification on what a “minor” amendment is, such as the removal of a retaining wall. PDS will approve the final development plan and provide it to the city. Retaining walls will be defined as a major change. The City Council will be the approving body for any major change to approved plans. Agreed that PDS will notify the city of final approval of all plans and provide the city access to the plans; this is important as the city needs to know what has been permitted and be able to identify deviations from the plans.

In all matters involving approval, we are striving to retain as much input and authority as possible for the city. This brings the process to the people who best know the area and affords input by the community at large.

Discussion turned to the Open Space requirement for PUD (Planned Unit Development) plans. The city has asked for the highest amount of open space which is 30%. They have also asked that the PUD provisions potentially apply to areas of 5 acres or more. The city may want to initiate this change before the Z21 is implemented. The next meeting is in late October. Mr. Darin asked why 30% as he is sure developers would not be in favor of. Ms. Spoor agreed they would not. She stated that PDS presents the plan as they drafted it. They give a certain range of open space. Ms. Spoor feels the more open space, the better it is for our community. Mr. Shields agreed and likes the fact that the city has more power to weigh in on these decisions. Ms. Froelich asked to make a correction; Article VIII was discussed rather than Article VII as previously stated.

Ms. Spoor asked to give a brief Financial Oversight Committee report. She stated that the committee met on September 20th. Members present were: Mayor Zembrodt, Gary Huff, Kevin Downes, Chris Carle and Pam Spoor. Mr. Shields had a prior engagement. The meeting centered on the business tax. The committee agreed to recommend to Council to remove the \$1,000 cap and for now, leave the minimum of \$25. It was recommended to reduce the tax rate from .0035% to .00125%. Removal of the cap will provide for the city’s future growth. Ms. Spoor stated the current rate has been in effect since 1996. She would like to take action before January 1st.

Ms. Froelich asked if the committee discussed the accounts receivable in the General Fund of \$276,000. Mayor Zembrodt explained that it will eventually go away but could take up to two years as there is not a lot left over in the Road Fund after the annual loan

payment of \$300,000 is paid. Ms. Spoor stated increasing the loan payment was a recommendation of the Financial Oversight Committee approved by Council.

Ms. Froelich also asked if the committee has discussed the retirement of the vehicle stickers fee. The Mayor stated she would like to discuss that at the next financial meeting.

VI. Old Business

Mayor Zembrodt asked Council to look over the draft Ordinance regarding golf carts and weigh in. Ms. Spoor likes the Ordinance and would like to make sure that anyone operating a golf cart has a valid driver's license. Mr. Braun added that there is a particular state statute with regard to the operation of golf carts on city streets. It is only permitted by virtue of the city passing an Ordinance permitting the same. The statutory provisions with regard to a law set forth by that statute indicates that the city has to issue the permit and provide a sticker indicating that it is a slow-moving vehicle subject to inspection. The other section indicates that anyone operating it must have a valid license, go the posted speed limit, and have a slow-moving emblem on the cart. He does not believe it is subject to actual registration or title. The reason an Ordinance is needed is that the state statute law requires an Ordinance to allow carts to be driven and designate upon which streets it is permissible. Dr. Downes does not believe Park Hills is a golf cart community. There are about 15,000 emergency room visits a year related to golf cart injuries; these numbers are increasing. He does not believe they are road worthy especially in Park Hills due to the narrow, windy, and hilly roads. He added; the carts must be inspected by the police. He asked if we want the police to have to take this on. Mr. Darin agrees that they can be dangerous but disagrees that Park Hills is not a golf cart community as several streets are in close proximity to a golf course. Chief Stanley believes if the city allows this, we are asking for trouble because everyone will think they can drive a golf cart on city streets. He agrees with Dr. Downes as far as accidents and doesn't think the city should take on that liability. Mr. Elkins also agrees they are unsafe. Mr. Braun stated if the city does not want golf carts on city streets, nothing needs to be done. Dr. Downes suggested signs coming into Park Hills stating that golf carts are not allowed on the streets of Park Hills.

Discussion followed regarding the collection dates of occupational and payroll fees.

Mr. Braun asked if Ms. Spoor received the memo he sent regarding the sign zoning issue. Ms. Spoor stated she did and thanked him. He believes the matter seems to be resolved as Mr. Duncan provided a copy of the sign showing it not exceeding the 60 square feet. Mr. Braun brought up cameras being used for traffic violations. He stated most cameras are used for violations regarding speeding or running red lights. These types of cameras are used in almost every jurisdiction in the country. Kentucky, however, has not addressed the issue and there are no laws permitting or prohibiting their use.

Before adjournment, Mr. Gray stated the Code Board will be meeting on Thursday. He stated that 1159 Morgan Court is being cited for the second time. He asked Mayor

Zembrodt how to proceed. The Mayor replied she wants to put the hammer down because she feels there is no reason that the family cannot come in and make the property right. Mr. Gray added that the Amsterdam property has another 30 days to comply.

VII. New Business – None

9:12 Motion to adjourn was made by Mr. Elkins; second by Mr. Shields

Mayor, Kathy Zembrodt

ATTEST:

City Clerk