

**CITY OF HIGHLAND HEIGHTS  
REGULAR COUNCIL MEETING  
FEBRUARY 15, 2005**

On February 15, 2005, Mayor Roettger opened the regular Council meeting at the Civic Center, 175 Johns Hill Road, at 7:30 p.m.

**PRESENT:** Council members, Harold Blocher, Steve Lehman, Greg Meyers, Jeanne Pettit, Rose Pfaff and Gene White. Also present: City Attorney Steve Franzen, Police Chief Carl Mullen and Public Works Director Rick Little.

**ABSENT:** None.

**PRAYER:** Member Meyers.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Everyone said the pledge of allegiance to the flag.

**ANNOUNCEMENT/S:** None.

**REGULAR COUNCIL MINUTES OF FEBRUARY 1, 2005.** The unofficial draft of the minutes of February 1, 2005, was previously distributed to the Mayor and City Council members. Mrs. Rauf announced there was a correction. She requested under the caption **PRESENT** delete the last sentence of that paragraph. She read the corrected paragraph.

**ACTION TAKEN: MEMBER WHITE MOVED TO ACCEPT THE MINUTES OF FEBRUARY 1, 2005, AS PRESENTED, SECONDED BY MEMBER PETTIT. DISCUSSION: NONE. 6 AYES. MAYOR ROETTGER DECLARED THE MOTION PASSED.**

**SPECIAL COUNCIL MINUTES:** None.

**CHANGES/ADDITIONS/DELETIONS TO THE AGENDA:** None.

**SCHEDULED GUEST/S:** Mr. Michael Vaught, 366 Knollwood Drive. Mr. Little announced that Mr. Vaught won First Place for the Christmas Outdoor Lighting Contest for 2004. Council member Pfaff presented the First Place plaque to Mr. Vaught.

Ms. Lauren King and Ms. Jessica Smiley, of Girl Scout Troop 88, addressed the Council. Ms. King asked Council for a commitment to help offset the expense for their awards project. Ms. Smiley stated they are requesting \$1,000 towards the three-day Summer Kids Camp. She stated this camp would be for the children of

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Highland Heights. She said they would try to solicit the balance from other sources.

Ms. Smiley stated they first presented this request in October of 2004. She thanked the Mayor, Council members and the Recreation Commission for their time.

Member Pfaff asked Attorney Franzen if the City would incur any liability if it would give the Girl Scouts permission for this three-day event? Attorney Franzen responded that anytime there is activity in or around our City Building, the potential for liability exists. However, this is not anything I would be overly concerned with.

Mayor Roettger also responded. He stated the City is not participating in this event. He said the City is allowing the Girl Scouts to use the park. He said the park is public property.

Member Lehman asked if the Girls Scouts met with Recreation?

Member Pfaff stated the Girl Scouts did meet with Recreation. She said Recreation is working with the Girl Scouts in trying to help defray some of the costs. She said Recreation is working towards trying to combine the Girls Scouts third day event with Recreation.

Member Meyers asked if the Girl Scouts had insurance to cover such an event? Mrs. Jenkins responded to Member Meyers.

Mayor Roettger stated even though this expense was not budgeted that this is a classic example of some of the unforeseen expenses that can happen during the year. He expressed his views that Council should try and help with this event. He said the Girls Scouts are good for the community and the event would be good for the community.

**ACTION TAKEN: MEMBER BLOCHER MOVED THAT THE CITY FUND THE REQUEST OF THE GIRL SCOUT TROOP 88, IN THE AMOUNT OF \$1,000, SECONDED BY MEMBER PETTIT. DISCUSSION: NONE. ROLL CALL: BLOCHER, AYE; PFAFF, AYE; MEYERS, AYE; LEHMAN, AYE; PETTIT, AYE; WHITE, AYE. 6 -- AYES. MAYOR ROETTGER DECLARED THE MOTION PASSED.**

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Mr. David Hersh, 134 Deitrich Road. Mr. Hersch explained there is a paper street that runs between the 2 lots he owns on Hill Road. He asked if the City would consider deeding the paper street to him or selling the property to him.

Attorney Franzen addressed this issue. He said in order to abandon a right-of-way, it could not land-lock another lot. He explained the process that would need to be followed.

Considerable discussion ensued. Attorney Franzen suggested turning this matter over to the City Engineer to handle.

Mayor Roettger stated if Council would be interested in vacating the right-of-way, the City Engineer needs to investigate this issue, and the cost would be the responsibility of Mr. Hersh.

**ACTION TAKEN: MEMBER LEHMAN MOVED TO HAVE THE CITY ENGINEER LOOK AT THE SITUATION AT THE END OF DEITRICH AT HILL ROAD TO SEE WHAT ALL IT IS GOING TO ENTAIL TO SEE WHAT IT WOULD TAKE TO DO SOMETHING WITH IT, SECONDED BY MEMBER PFAFF. DISCUSSION: NONE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED UNANIMOUSLY.**

**CORRESPONDENCE:** Mayor Roettger read the resignation letter from Jeanne Pettit. Member Pettit resigned from the Board of Adjustment. A copy thereof is attached to these minutes.

**ACTION TAKEN: MEMBER PFAFF MOVED TO ACCEPT THE RESIGNATION OF JEANNE PETTIT AS A MEMBER OF THE BOARD OF ADJUSTMENT, SECONDED BY MEMBER BLOCHER. DISCUSSION: NONE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED UNANIMOUSLY.**

Mayor Roettger read the following correspondence:

- A letter from Mary A. Lepper, Director LITC, Northern Kentucky University. A copy thereof is attached to these minutes.
- A letter from the City of Cincinnati regarding Part 150 Noise Compatibility Study for Lunken Airport. **OUTCOME:** A copy of this letter was turned over to Member Blocher. Member Blocher will handle this matter.
- A letter from Emergency Management Department regarding FY 2005

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Homeland Security Grant Program. A copy thereof is attached to these minutes.

- A letter from Campbell County High School re: Project Graduation. **OUTCOME:** This letter was turned over to the Safety Committee for recommendation at the next Council meeting.
- A letter from Judge Executive Steve Pendery regarding the Payroll Tax problems resulting from the Kentucky Supreme Court's ruling in November, 2004. A copy thereof is attached to these minutes.
- A letter from Office for Local Government regarding the compensation amount generated by the department for Local Government calculations for Mayors of the First Class cities and other cities. A copy thereof is attached to these minutes.
- A letter from John Stein regarding Americans Supporting Americans. This letter was in regards to the City Adopting A Unit Program. **OUTCOME:** Mayor Roettger expressed his support for this program. This letter was turned over to Member Pfaff to handle.

**STAFF REPORTS: POLICE CHIEF** -- No report.

**CLERK/TREASURER** -- No report.

**FINANCE DIRECTOR** -- No report.

**PLANNING & ZONING MINUTES** -- None at this time.

**CITY ENGINEER/ZONING ADMINISTRATOR:** No report.

**PUBLIC WORKS DIRECTOR** – Mr. Little gave a report on the ongoing operations of the Maintenance Department. He asked if anyone is aware of any potholes that need to be filled, they should contact him. He said he is also checking Bordeaux Drive and Sunset Drive at South Main.

Mr. Little also distributed pictures, to the Mayor and Council members, of some properties in the City that need attention.

There was a brief discussion about parking on Hope Lane and Dale Road. Member Lehman stated the Safety Committee has discussed these parking problems.

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**CITY ATTORNEY -- SECOND READING OF ORDINANCE/S:** None.

**COMMITTEE REPORTS: SAFETY** -- Member Lehman stated there is no report at this time.

Member Lehman reported there would be a meeting at the Central Campbell County Fire Department at 7:00 p.m., on February 17<sup>th</sup>. He said, a few months ago, Central Campbell Fire District added a 50-cent tax per \$1,000 in order to add paramedics. He said Central Campbell is now reconsidering this and are thinking about entering jointly with TransCare and other cities. Considerable discussion ensued. **OUTCOME:** Mr. Lehman stated he would attend that meeting.

**DEVELOPMENT & GRANTS** -- No report at this time.

**FINANCE** -- No report at this time.

**INFRASTRUCTURE** -- Member White announced they are inventorying the street signs and the condition of the street signs in the City.

**PERSONNEL POLICIES & PROCEDURES** -- No report at this time.

**RECREATION** -- Member Pfaff announced the following upcoming events. These events have also been posted on the City's Web page Calendar.

- MARCH 20, 2005 – Easter Egg Hunt.
- MAY 30, 2005 – Memorial Day Ceremony at 9:00 a.m. at Veterans Park.
- JULY 16, 2005 – City Fest.

Member Pfaff also announced that Mr. Little has resigned as the Chair of Recreation Commission. She stated that Sandy Shaw has accepted the position as Chair of the Recreation Commission.

**NATURE TRAIL:** Member Pfaff announced that in Councils' packet she included the Newsletter, Schedule of Events for 2005, Copy of Nature Trail Grant Plan, and copy of the Nature Trail estimated budget as of January 2005. She said this is not the total budget.

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Member Pfaff stated that, after discussions with the Mayor, it is the opinion that it would be more advantageous to try and connect the Nature Trail all the way from U.S. 27 around Reuscher Park and down to Pooles Creek. She said this is feasible, but there needs to be more work done. She said she needs to meet with Mr. Whitacre about this matter.

Member Pfaff stated what she is presenting this evening is informational purposes in order to update everyone on the plans and progress of the Nature Trail.

Mayor Roettger stated there is a lot of work to do. He said some phases of the plan may happen in the next three to six months, and the other phases may take a few years to complete.

**UNFINISHED BUSINESS: ELIMINATING THE NATURE TRAIL AND DEVELOPMENTS AND GRANTS COMMITTEES.**

**ACTION TAKEN: MEMBER LEHMAN MOVED TO ELIMINATE THE NATURE TRAIL COMMITTEE AND DEVELOPMENTS AND GRANTS COMMITTEE, SECONDED BY MEMBER WHITE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED UNANIMOUSLY.**

**WASTE/RECYCLING CONTRACT:** Attorney Franzen announced he reviewed the current Rumpke contract. He stated that the City has the option to extend the contract one more year. He said this should be done before June 30, 2005.

Member Pfaff stated with the extended contract it would cost an additional 30 cents per unit, per month for July 1, 2005 until June 30, 2006.

**ACTION TAKEN: MEMBER LEHMAN MOVED TO ACCEPT EXTENSION OF THE CONTRACT WITH RUMPKE ONE MORE YEAR AT AN ADDITIONAL CHARGE OF \$3.60 PER YEAR, PER UNIT, SECONDED BY MEMBER PETTIT. DISCUSSION: NONE. ROLL CALL: WHITE, AYE; BLOCHER, AYE; PETTIT, AYE; PFAFF, AYE; LEHMAN, AYE; MEYERS, AYE. 6 -- AYES. MAYOR ROETTGER DECLARED THE MOTION PASSED.**

**OUTCOME:** Attorney Franzen will draft a letter to Rumpke informing them of Councils' decision to extend the Waste & Recycling contract for one more year.

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**ELIMINATING ONE COUNCIL MEETING A MONTH:** After considerable discussion about this subject and after hearing different views on whether to have one or two meetings a month, it was suggested that the Finance Committee survey Council and the other people who are required to attend these meetings to find out what they would like to do. Member Pettit offered to prepare and distribute the survey.

Member White announced that Mr. Earl Meyers, 209 Johns Hill, is concerned about the stopped up drain that is underneath his driveway and is tied into the City's new 6' pipe by the ball field drain. Mr. Meyers stated the pipe is separated about 56' from the upper end. Member White stated that the Sanitation District should be contacted about this problem. He said they may do this without any cost. **OUTCOME:** Mayor Roettger requested that Mrs. Rauf contact the City Engineer about this problem.

**CITIZENS TO ADDRESS COUNCIL:** NONE.

**NEW BUSINESS: FIRST READING OF ORDINANCE/S.** Attorney Franzen stated he has a First Reading of an Ordinance, but he would read the following Resolutions first:

**RESOLUTIONS: RESOLUTION #01-2005 & RESOLUTION #02-2005:**

**ACTION: MEMBER BLOCHER MOVED THAT ATTORNEY FRANZEN READ, IN FULL, THE FOLLOWING RESOLUTIONS, SECONDED BY MEMBER PETTIT. DISCUSSION: NONE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED UNANIMOUSLY.**

At this time, Attorney Franzen read the following Resolutions:

**RESOLUTION # 01-2005 -- A RESOLUTION OF THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY.**

**ACTION TAKEN: MEMBER WHITE MOVED TO ADOPT RESOLUTION #01-2005, SECONDED BY MEMBER PETTIT. DISCUSSION:** There was considerable discussion that this Resolution is opposed to any kind of legislation that would infringe on a local communities right to have its own independent planning and zoning commission.

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The Mayor and council members expressed their support for the cities to have their own planning and zoning commission. **ROLL CALL: WHITE, AYE; PETTIT, AYE; LEHMAN, AYE; MEYERS, AYE; PFAFF, AYE; BLOCHER, AYE. 6 -- AYES. MAYOR ROETTGER DECLARED THE MOTION PASSED.**

**RESOLUTION # 02-2005 – A RESOLUTION OF THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY.**

**ACTION TAKEN: MEMBER LEHMAN MOVED TO ADOPT RESOLUTION # 02-2005, SECONDED BY MEMBER PFAFF. DISCUSSION:** There was considerable discussion that this Resolution supports efforts to maintain the Transit Authority of Northern Kentucky and it also encourages the legislatures support. **ROLL CALL: BLOCHER, AYE, PFAFF, AYE; MEYERS, AYE; LEHMAN, AYE; PETTIT, AYE, WHITE, AYE. 6 -- AYES. MAYOR ROETTGER DECLARED THE MOTION PASSED.**

**FIRST READING OF THE FOLLOWING ORDINANCE/S:** Attorney Franzen gave a background on the following. He stated since 1975, the City has had a Recreation Commission that was formed pursuant to Chapter 97 of the Kentucky Revised Statutes. He said he is not sure why this was formed this way. He said he is speculating that it may have been done this way, due to the City receiving Federal and State grants.

Attorney Franzen also stated that the ordinance said that all the money that is ear-marked for Recreation is to be kept in a separate account. He said this language was discovered by the Mayor. He said the Mayor was researching this ordinance for information regarding appointments.

Attorney Franzen said as far as anyone knows, the City never had a special account for Recreation.

Attorney Franzen stated the Mayor has asked him to abolish this part of that ordinance. He said the problem is the ordinance was created pursuant to Chapter 97 and it required that language to be a part of the ordinance.

Attorney Franzen stated he has drafted a new ordinance repealing the old Recreation Commission Ordinance entirely. He said he is replacing the old

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ordinance with a new ordinance creating a Highland Heights Recreation Board. He said the new ordinance has nothing to do with Chapter 97. He said it is the exact same ordinance the City had; but it eliminates the separate account requirement.

Member Blocher stated when he was first on Council in 1990, he discovered there was a grant for \$7500 for the Suspension Bridge in the Park. He said, to his knowledge, this has long expired.

Attorney Franzen said the City does not need a Parks and Playground Recreation Commission pursuant to Chapter 97. He said the City needs a Recreation Board. He said the City does not need to keep this money in a separate account.

At this time, Attorney Franzen read the First Reading of the following ordinance:

**AN ORDINANCE REPEALING ORDINANCE #451, AND ITS AMENDMENTS  
4-93 AND 18-98, THE ORDINANCE CREATING THE PARK AND  
PLAYGROUND RECREATION COMMISSION PURSUANT TO CHAPTER 97  
AND CREATING A CITY OF HIGHLAND HEIGHTS RECREATION BOARD.**

There was a lengthy discussion about this ordinance, and it was the consensus of Council there were some changes that needed to be made to the ordinance. **OUTCOME:** Attorney Franzen stated he would draft a new ordinance with the changes. He further stated he would present the ordinance to Council for First Reading at the next Council meeting.

**OTHER NEW BUSINESS:** Mayor Roettger stated it was published in the paper, that the Bank of Kentucky contributed \$6 million dollars for the Special Events Center to be built on Northern Kentucky University property.

Mayor Roettger expressed his concerns about the State not having a budget passed. He encouraged everyone to contact his or her legislators about passing a budget for 2005.

**ACTION TAKEN: MEMBER LEHMAN MOVED THAT A RESOLUTION BE  
DRAFTED THAT THE CITY OF HIGHLAND HEIGHTS URGES THE**

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**LEGISLATORS TO PASS A BUDGET THROUGH THIS 2005 SESSION, SECONDED BY MEMBER BLOCHER. DISCUSSION: NONE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED UNANIMOUSLY.**

Mayor Roettger stated that he met with some people interested in locating in Highland Heights. He said they informed him they use the City's web page often and they can get any of the City's forms from the web page. Mayor Roettger complimented everyone who was involved in working on the web site for the City.

**RE-NAMING OLD U.S.27.** There was considerable discussion about this subject. Member White stated he is suggesting adding a sign that says Towne Center Boulevard to the already existing signage at that intersection. He said the addresses on old Alexandria Pike could remain as is, and no one would have to change their address.

Mrs. Rauf stated that Planning and Zoning recommended if Council would change the name of the street, it be changed to Towne Center Boulevard. She stated that Planning and Zoning said this name would be consistent with the Comprehensive Plan.

A copy of the letter written by Assistant Fire Chief Dishman, pertaining to the re-naming of Old U.S. 27 was previously distributed to the Mayor and each Council member. A copy thereof is attached to these minutes

Police Chief Carl Mullen also responded. He stated he did not think changing the name would be a benefit. He addressed his concerns about putting a Towne Center Boulevard sign above the other addresses already listed on the pole. He said this would cause problems for dispatching. He said the name of Towne Center Boulevard would not appear on the dispatcher's system.

**OUTCOME:** Mayor Roettger recommended that Member White, in conjunction with the signs, meet with the committee about this matter.

**EXECUTIVE SESSION: MEMBER LEHMAN MOVED TO CONVENE TO EXECUTIVE SESSION FOR THE SPECIFIC PURPOSE TO DISCUSS A**

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**PERSONNEL MATTER, SECONDED BY MEMBER PFAFF. DISCUSSION:  
NONE. AYE, ALL. MAYOR ROETTGER DECLARED THE MOTION PASSED  
UNANIMOUSLY.**

**MEMBER BLOCHER MOVED TO COME OUT OF EXECUTIVE SESSION AND  
RE-CONVENE TO THE REGULAR MEETING, SECONDED BY MEMBER  
PETTIT. DISCUSSION: NONE. AYE, ALL. MAYOR ROETTGER DECLARED  
THE MOTION PASSED UNANIMOUSLY.**

**ACTION: A PERSONNEL MATTER WAS DISCUSSED. NO ACTION WAS  
TAKEN.**

Being no further business, **MEMBER WHITE MOVED TO ADJOURN THE  
MEETING, SECONDED BY MEMBER PETTIT. AYE, ALL.**

The meeting adjourned at 10:15 p.m.

**SUBMITTED BY: \_\_\_\_\_  
JEAN A. RAUF, CITY CLERK TREASURER CMC**

**SIGNED BY: \_\_\_\_\_  
CHARLES W. ROETTGER, MAYOR**