

CITY OF HIGHLAND HEIGHTS
COUNCIL MINUTES
JULY 21 2015

On Tuesday, July 21, 2015 Mayor Meyers called the Council meeting to order at 176 Johns Hill Road at 7:30 p.m.

PRESENT: Mayor Meyers, Council Members: Deborah Ball, Gary Chinn, Dave Ramler, Scott Reincke, Scott Sedmak and Jeanne Pettit. A quorum was present.

Also present: Attorney Steve Franzen, City Engineer Dave Whitacre, Public Works Director Steve Lehman, Police Chief Bill Birkenhauer and Jean Rauf, City Clerk/Treasurer.

Mayor Meyers asked for a moment of silence in memory of Tom Wiethorn, former Mayor of the City of Bellevue, Ky.

PRAYER/PLEDGE OF ALLEGIANCE TO THE FLAG: After Member Sedmak delivered the prayer, there was the pledge of allegiance to the flag.

PRESENTATION OF THE REGULAR COUNCIL MEETING MINUTES OF JUNE 16, 2015: These minutes had been previously distributed to the Mayor, Councilmembers and City Staff for review.

ACTION TAKEN: MEMBER REINCKE MOVED TO APPROVE THE REGULAR COUNCIL MINUTES OF JUNE 16, 2015, SECONDED BY MEMBER BALL. DISCUSSION: NONE. AYE: 5, NAYS: 0, ABSTENTION: 1. MAYOR MEYERS DECLARED THE MOTION PASSED 5 AYES, 0 NAYS, 1 ABSTENTION.

ANNOUNCEMENT/S: Mayor Meyers announced that the July 7, 2015 meeting was canceled.

SCHEDULED GUEST/S:

Tom Guidugli, Executive Director of Neighborhood Foundation presented Council plans and construction drawings for the proposed Highland Village Seniors Housing project facility, which will include 104 single-apartment units, as well as 14 cottages, totaling 118 units for senior citizens.

Mr. Guidugli asked Council to approve the Resolution for the application of a \$500,000 community development block grant from the Kentucky Department of Local Government for the construction of the project. This is the last piece to the puzzle.

Mayor Meyers asked if Mr. Guidugli could leave a copy of the plans here. Mr. Guidugli said there are still some changes to be made and will bring a copy back when completed.

Mr. Gary Hunter, 12 Jillian Court presented Council with a statement of concerns regarding the property in front of his house. His statement is attached to the minutes of this meeting.

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Mrs. Dorothy Riley, 2398 Harrison addressed Council with a complaint of the fireworks over Fourth of July weekend. Mrs. Riley explained to Council what had occurred and her concerns. After Chief Birkenhauer explained the officers' report for that evening, City Attorney Franzen suggested that Mrs. Riley go to the County Attorney's office with the evidence and file a complaint.

CORRESPONDENCE: NONE

STAFF REPORTS:

POLICE CHIEF: Chief Birkenhauer presented the monthly report for June. Chief reported they are still short an officer due to injury. Member Sedmak asked about the drug report being down from last year. Chief Birkenhauer explained that the heroin problem is still there it has not gone down.

CLERK TREASURER: NO REPORT

FINANCE DIRECTOR: Mayor Meyers and Mr. Barlage are getting the information together for the audit.

CITY ENGINEER/ZONING ADMINISTRATOR: BIDS FOR PAVING - Mr. Whitacre reported that concrete work will most likely have to wait until the fall; the wet weather has put contractors behind on their current projects.

Mr. Whitacre reported the asphalt projects can be completed faster than concrete, so we could possibly bid out Clearview, Hidden Valley, South Miller and Hale/Vogel/Camp and complete these projects yet this year.

DEAD TREES: Mr. Whitacre distributed information to the Mayor and Councilmembers regarding Ash trees. He reported he contacted the property owner on Johns Hill Road about the dead tree on their property. He also reported he contacted the property owner on Ridge Hill regarding a limb that fell onto his neighbor's pool. He reported he provided these property owners with tree cutters contact information.

CITY ATTORNEY: Steve Franzen read the following Resolutions.

RESOLUTION #05-2015 – A RESOLUTION AUTHORIZING AND DIRECTING GREG MEYERS, MAYOR, TO EXECUTE AND SUBMIT TO THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT AN APPLICATION FOR \$500,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE HIGHLAND VILLAGE SENIORS HOUSING PROJECT.

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ACTION TAKEN: MEMBER PETTIT MOVED TO APPROVE RESOLUTION#05-2015 AS READ, SECONDED BY MEMBER SEDMAK. DISCUSSION: NONE. AYE: ALL. MAYOR MEYERS DECLARED THE MOTION PASSED.

RESOLUTION #06-2015 – A RESOLUTION WITH THE KENTUCKY TRANSPORTATION CABINET REGARDING REALIGNED HILLTOP DRIVE BEGINNING APPROXIMATELY 635 FEET SOUTH OF THE RECONSTRUCTED JOHNS HILL ROAD ALIGNMENT.

ACTION TAKEN: MEMBER PETTIT MOVED TO APPROVE RESOLUTION #06-2015 AS READ, SECONDED MY MEMBER CHINN. ROLL CALL VOTE MEMBER REINCKE, AYE, MEMBER BALL, AYE, MEMBER PETTIT, AYE, MEMBER CHINN, AYE, MEMBER SEDMAK, AYE AND MEMBER RAMLER, AYE. MAYOR MEYERS DECLARED THE MOTION PASSED.

RESOLUTION #7-2015 – A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CAMPBELL COUNTY FISCAL COURT AND THE CITY OF HIGHLAND HEIGHTS REGARDING FUNDING FOR RESURFACING OF VARIOUS STREETS WITHIN THE CITY OF HIGHLAND HEIGHTS.

ACTION TAKEN: MEMBER PETTIT MOVED TO APPROVE RESOLUTION #7-2015 AS READ, SECONDED BY MEMBER BALL. DISCUSSION: NONE. AYE: ALL. MAYOR MEYERS DECLARED THE MOTION PASSED.

PUBLIC WORKS SUPERVISOR: Mr. Lehman introduced Austin Horn with Precision Concrete Cutting

Mr. Horn gave a presentation to council regarding the concrete sidewalk cutting process. He mentioned the demonstration areas at the Meadowview Apartments near Northern Kentucky University and the downtown area in the City of Alexandria. **OUTCOME:** Mr. Horn will provide Mr. Lehman with a proposal on the Knollwood area.

COMMITTEE REPORTS:

BEAUTIFICATION: Ms. Ball reported she received an email from Katie Herschede from NKU that Tess Phenny is taking over the community gardens.

FINANCE: Mayor Meyers reported they will be working on the tax rate as soon as they get the tax roll from the County.

SAFETY: Mayor Meyers stated they are working on getting a date for next week to meet on Safety.

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INFRASTRUCTURE: Mr. Ramler reported his views on the Jillian Court issue. He agrees with the residents it does look terrible. He asks that the City really take a look at this issue.

Member Reincke reported he was on Planning and Zoning at that time. He said at that time the property belonged to the Mr. and Mrs. Pitzer. He stated they wanted to sell that piece of property and the only access to this property was through Jillian. He stated that the Planning and Zoning Commissioners reviewed this and whoever purchased this property and was going to develop it would have to put in a street. He said Planning and Zoning did not tell them they would have to put in a paved road. He reported that Planning and Zoning did grant them access to the property from Jillian.

Mr. Whitacre reported he spoke with Mr. Crawford and that Mr. Crawford is waiting on his engineers report before submitting the application. He said it should be done in the next week or two. Mayor Meyers asked Mr. Whitacre to keep the City updated on this issue.

PARKS & RECREATION: Mayor Meyers reported the Cruise In and Concert was a success again this year. Approximately 250 people attended.

GOOD NEIGHBOR AWARD: None.

OLD BUSINESS: Member Sedmak reported that the WWII memorial at the Campbell County Middle School was repaired and a ceremony was held on Sunday.

NEW BUSINESS: Member Reincke suggested to bring back the Communications Committee and asked Member Sedmak to serve on the committee with him. Member Sedmak agreed.

ACTION TAKEN: MEMBER REINCKE MOVED TO BRING BACK THE COMMUNICATION COMMITTEE, SECONDED BY MEMBER PETTIT. DISCUSSION: NONE, AYE ALL. MAYOR MEYERS DECLARED THE MOTION PASSED UNANIMOUSLY.

CITIZENS TO ADDRESS COUNCIL: None

There being no further business **MEMBER SEDMAK MOVED TO ADJOURN THE MEETING AND WAS SECONDED BY MEMBER PETTIT. DISCUSSION: NONE. AYES: ALL. MAYOR MEYERS DECLARED THE MOTION PASSED.**

The meeting adjourned at 9:15 p.m.

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SUBMITTED BY: 
JEAN RAUF, RECORDING SECRETARY

SIGNED: 
GREGORY V. MEYERS, MAYOR

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Gary and Jennifer Hunter
12 Jillian Court

We are here tonight in regards to ongoing concerns regarding the property directly in front of our house.

To summarize the situation:

Last year Steve Crawford purchased part of the Pitzer property that adjoined his current residence.

He decided he wanted to access this property thru the Jillian Right of Way. In January of 2014, it was discussed at a planning and zoning meeting. Had I known and been at that meeting, I would have voiced my concerns at that time and I'm confident we wouldn't be where we're at today on this issue.

Without a permit, he hired Krebs Construction to bulldoze the land at the end of Jillian and construct an access. His original statement to me was he planned to make a gravel driveway.

This work was done in June 2014. Again with no permits, no soil studies, and no real plan to control the changes in the water drainage or stability of the access, he brought in dirt from Nku and built a dirt access drive. In building the access they trespassed on private property to do the work. They destroyed the plantings at the end of Jillian, the vegetation on the down slope of the hillside, and created drainage issues.

After much complaining by the residents of Jillian, the city paid to extend Jillian by 10ft and install a storm sewer. This was done to give more room to turnaround and also in the hopes of controlling a portion of the water. The city also put down netting and grass seed for ground cover at the expense of the taxpayers until a further solution could be reached. Within a few days, Mr. Crawford hired a tree removal company, and they proceeded to drive over the newly seeded area multiple times during rain and basically destroyed it. After repairs, again by the city at the expense of taxpayers, it was destroyed a second time. It's uncertain who destroyed it the second time.

Over the past year, Mr. Crawford has continued using the access. This spring he used it as a construction access to build a pole barn on his property. I finally hired an attorney to protect my rights, as did Frank Diettrich.

My attorney sent the city a letter stating that the City was in violation of KRS 82.405 by allowing use of a public right of way for private use as a driveway. The city has allowed Mr. Crawford and his contractors to continue to trespass on this property.

As far as I know, neither Mr. Crawford or Krebs Construction were cited for doing the work without a permit. The city requires residents to get a survey and pay \$200 in fees just to build a fence, yet all this was done without any oversight.

Per KRS 82.405, the city has no right to allow the use of the public right of way for private purpose, yet the city is still allowing it.

Mr. Crawford has in essence converted the property to his property. He is increasing the value to his property and diminishing the value of my property as well as Frank's.

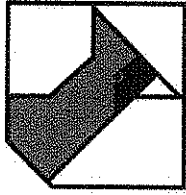
We are asking that this be resolved by 1 of 2 options.

1. Mr. Crawford at his expense, pay to extend the street the additional 90+ feet to his property matching the existing street and sidewalks.

Or

2. the second option is to repair the damages and reconstruct the permanent barrier and plantings at the end of Jillian.

I have already spent several thousand dollars on attorney's fees that I wouldn't have had to spend if the city enforced the laws. We will not accept any plans that include a private driveway in front of our property. If 1 of those 2 solutions outlined is not done, our next step is to reconstruct a permanent barrier and sue Mr. Crawford, the city, and any other involved parties for damages and attorney fees.



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BIDS FOR PAVING WORK

I have not placed the streets out to bid yet, as the wet weather has caused the contractors to get horribly behind on the work they have committed to do previously. There are several contractors that stopped bidding on any new projects – so I held up on putting the work out to bid until the rain let up and they could make some progress on current projects.

CONCRETE – I spoke with a couple of contractors and most likely they have all the work they can handle this year. If we bid this out, we should include an option to bid on the work for fall....with the ability to defer the work until spring. It is better not to do the work too late in the year as fresh concrete doesn't like deicing agents.....and the yard restoration work may not grow anything and the yards will be muddy all winter.

ASPHALT – I spoke with a couple of contractors and they may be able to fit in another project for this year. The asphalt projects can be completed faster than concrete and they have not fallen behind so far that they are busy the rest of the year. Clearview, Hidden Valley, South Miller and Hale/Vogle/Camp are in pretty poor shape and it would be best if they could be paved yet this year.

DEAD TREES

The dead Ash trees have begun to age and decay. Ash can have the roots become weak in a year and the entire tree can tip over in a strong wind, and the large limbs begin to drop after a year to two, and even the entire trunk can begin to break and break off in sections after a few years. I have contacted the property owner of the dead trees along Johns Hill Road, and also a property owner on Ridge Hill, where a limb fell onto his neighbor's pool fence (and a large limb dropped while I was on the property).

I don't see any reason to do anything for dead trees in wooded areas – but for dead trees near the ROW and neighbors houses it may be necessary to notify the owners that the trees need to be cut down.

Dave Whitacre, PE. PLS.
City Engineer/Zoning Administrator

Thinking Afield

Outdoor commentary and legislative issues.

Beware of Dangerous Ash Trees

Posted on March 18, 2012 by



By Glen Wunderlich

It's hard to estimate the number of ash trees killed by the emerald ash borer, but in Michigan alone, the total is in the millions. Firewood? Everyone now has ash. Its straight grain makes for easy splitting and its low moisture content means it can be burned for heat before other hardwoods. But, standing ash trees can also become dangerous shortly after they die and even the seasoned professionals must back off at times.

According to Greg Weinert of Weinert's Tree Service (989-729-TREE) all ash trees should be treated as dangerous. After a short wal kalong the Looking Glass River recently, it became evident what he was talking about. Some of the ash tress rolled over, stump and all.

Others had snapped off anywhere from ground level to 30 feet or more above ground.

Greg evaluates the dangerous aspect of felling ash trees on a case-by-case basis. He says, "You can't tell if they're good or not.



They may seem fine at ground level but can be bad 30 feet up."



Rigging trees is away to fell them without heavy equipment but unless he knows for sure when the tree died, he avoids climbing. If the tree has been dead for more than two years, he relies upon a 58-foot boom truck for safety, if he can get it to the tree. If the ash tree happens to be growing in low ground – like so many do – he won't climb one that's been dead for over a year. Even the roots can become sponge-like and can allow the tree to topple.

Greg goes on to say that if you see black when felling an ash, you've found a particularly dangerous tree, because the conventional hinge will not hold. And, that means the tree can go anywhere.

If you spend anytime in the woods, learn to identify ash trees – even with the leaves off.

If you still have ash trees with leaves on them this spring, you may want to consider some proactive management, before it's too late. The idea is to get the diseased trees to fall where they will do the least amount of damage.

Things are going to get worse – plenty worse – when a majority of the infected trees fall across our rivers, streams, roads, driveways and buildings. Hunters and other outdoor enthusiasts are urged to recognize and beware of ash-tree dangers. If you don't know your trees, you'd better begin learning.

The emerald ash borer is one of the most destructive non-native insects in the United States; it and other wood-boring pests cause an estimated \$3.5 billion in annual damages in the U.S. Since its detection 10 years ago, the borer and its relentless destruction have touched at least 14 states and parts of Canada and the tiny bug is on course to wipe out some 7.5 billion ash trees in North America.

If you choose to harvest some of the choice hardwood, make sure to work in pairs. In the event of an emergency; doing so may save your life.

Related Posts:

1. **Northwest Ohio Communities Get Funding to Remove and Replace Ash Trees**
2. **Emerald Ash Borer Impacts Woods Along Ohio Boardwalk**
3. **Bay City State Recreation Area to Remove Trees Damaged by Emerald Ash Borer**
4. **Realtree Nursery Food Plot Trees Available at Wal-Mart**

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Thinking Afield
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