

## **MINUTES-WEDNESDAY-JUNE 1, 2011 PAGE 1**

The Municipal Aid hearing for the fiscal year 2011-2012 began at 6:25 p.m. This notice was published in the Kentucky legal ad section. There is no citizen input.

The Public Notice hearing regarding the proposed tax rate was held. The Attorney stated that the KRS regarding this notice is very specific as to what information the notice contains and the wording of the notice. No citizen input.

The regular meeting of the Bromley Council began at 6:30 p.m. with a pledge to the flag.

Officers answering to roll call: Gail Smith, Mike Denham, Rob Gardiner (Rob), Mayor Radford, Dan Gardiner (Dan), Patty Grimes and Donnie Jobe. All members are present.

Joe Schutzman is not present. The Mayor has paperwork which was distributed to Council members. Schutzman wants to begin procedures on the properties on this list. Some are in foreclosure.

### **MINUTES**

Smith moves to accept the minutes. Dan seconds. Roll call: all aye. The motion carried.

### **FIRST CITIZEN REPORT**

No input

### **BUILDING INSPECTOR**

Schutzman has informed the Mayor that a tree near the Toadvine residence on Short Shelby is on City property. Schutzman will pursue having it removed.

There were questions from the Attorney of Janie Franks. The Mayor will get some answers for Ms. Franks and pursue this matter.

### **LAW COMMITTEE**

No representative from Ludlow Police Department (LPD) is present at this time. There are numerous questions that the Mayor and Council would like to ask LPD regarding the Police contract.

Smith would like for the CPI figures from March instead of April be used each year for rate increase budgetary purposes.

LPD is using the current proposed figures for the 2011-2012 contract. LPD did meet with Mayor Radford in March to begin negotiations. The Attorney stated that LPD is tied into the CPI increase for the upcoming fiscal year.

Grimes said that the contract proposal clearly states that it is for the 2011-2012 fiscal year contract. When she asked Brian Houillion if the figures were for the upcoming fiscal year contract his answer was yes.

Dan's understanding was that the HB413 money was set up to help cities pay for police protection.

Smith stated that, like the fire department, LPD is providing a service for Bromley and we are not obligated to help pay for their insurance, training, etc. The Attorney stated that the HB 413 KRS regulations do not say that we have to give them anything.

Smith and Grimes have both taken the figures provided by Brian Houillion and come up with their own figures which they would like to have the opportunity of discussing with Ludlow.

After a lengthy discussion Smith moves that the City of Bromley's final offer regarding police protection be to give the CPI increase only and that the date for the CPI figures be changed. No HB 413 money will be given to LPD. Dan seconds. The Attorney still feels that LPD is locked into the CPI for this upcoming fiscal year. Roll call: all aye. The motion carried. Denham will contact LPD with the final offer.

## FIRE DEPARTMENT

The monthly report is available in the office for review.

The Mayor thanked the fire department for their help with the Memorial Day parade. Mike Denham, Don Weaver and Mike Kendall did an excellent job with the sound system and with putting up the tent.

The new truck should arrive next Monday or Tuesday.

The Mayor asks if we want to act on the fire department contract. The only changes made to the contract for 2011-2012 after the first contract was presented to Council were those requested by Smith.

Grimes moves to accept the contract. Jobe seconds. Discussion: Dan stated that he had spoken to Don Weaver about the contract. An email was sent to the Mayor and Council from Grimes stating that Dan had obtained an opinion about "conflict of interest" from the Kenton County Attorney. Dan informed those present that he had told Don Weaver that the City had an opinion from our Attorney, the Attorney General, NKADD, and, now, the opinion of the County Attorney all stating that there was a conflict of interest if the fire department members sitting on City Council voted on the fire department contract. He did not say that he had contacted the County Attorney. He did not. Chief Weaver stated that his interpretation of the discussion was that Dan had contacted Garry Edmondson. Dan said that Edmondson's opinion was that the contract would be voided if the fire department members voted. Attorney Vocke said that it could be a voidable contract. Dan also said that the email from Grimes said that he would not vote if they voted on the contract. What he told Weaver was that, if they voted, he would vote no. He said that we did not listen to our Attorney's opinion in the past and it ended up costing the City over \$80,000.00. He also said that if the vote were contested the fire department could possibly be made to reimburse the City for any fees that were already paid. The Attorney also stated that, if contested, the persons from the fire department who voted could be subject to prosecution.

Grimes asked the Attorney if voting to pay the bills at the end of the meeting isn't the same thing since all Council members receive a pay check. The Attorney stated that voting to pay the bills is not a conflict because the salaries are set by ordinance and Council/Mayor salaries are adopted by another Council. Current Council members cannot vote to give themselves a salary increase for that very reason.

The Mayor stated that if Council wished to postpone the vote he would ask Garry Edmondson to come to the meeting to discuss conflicts and ethical issues. Grimes stated that she would not sit and listen to any discussion given by Edmondson. The Mayor felt that, as an elected official sworn in by oath, Council members would have an obligation to sit and listen.

The Attorney said that Edmondson's opinion would be just another opinion and that the only solution to resolve this matter would be for a lawsuit to be filed. Smith again suggested obtaining a declaratory judgment. Grimes asked if Council members would not have to get attorneys if we pursued this avenue. The Attorney stated that this could be done but doesn't have to be done.

Roll call on the motion to accept the fire department contract: Jobe-yes, Grimes-yes, Dan-no, Rob-no, Denham-yes, Smith-no. The Mayor broke the tie, based on the professional opinions received, and voted no. The motion was declined. Grimes stated that the doors will be closed on July 1<sup>st</sup>.

Smith moves that Council seek the Court's opinion and file for a declaratory judgment. Dan seconds. The Attorney feels this can be done for \$1,000.00 and he will name the six Council members as defendants. Anyone wishing to hire their own Attorney may do so. There is no reason for an Ethic's hearing. Roll call: 5 ayes. Grimes votes no. The motion carried.

## HALL COMMITTEE

We have had roof problems due to high winds and fence damage on the patio as well. Grimes has been working with the insurance adjuster who has measured 2,200 feet while the roofer has come up with 4,500 feet. The roofer will contact

the adjuster regarding this matter. They will also replace the fence for us. The roofer was asked to bid on total roof

replacement, including the new fire department section and dimensional shingles will be used. Covers for the gutters will also be installed at an additional cost. Dan may need an additional \$6,000.00-\$7,000.00 to complete the job correctly. Only one bid will be required. The insurance check for damage was in the amount of \$5,371.00. We may get our \$1,000.00 deductible back from FEMA. Smith moves that Dan be permitted to have the roof repaired as specified. Denham seconds. Fees from Code Enforcement Board (CEB) will be charged for the work. Any bad sheeting or unforeseen problems will be paid for in order to get the job done correctly. Dan will email the estimate to everyone when it is received. Roll call: all aye. The motion carried.

A flag and bracket have been purchased for the building. Building maintenance will install it. The Mayor will get a light.

## **ROAD AND LIGHT**

Denham reports that street lights are repaired.

The curb work on Main Street is finished.

Denham received a bid in the amount of \$3,350.00 to repair a spot on Main Street due to poor drainage.

There is \$9,000.00 budgeted for use on the roads. The road tax money owes money to the general fund for the payoff on the loan.

Denham met with Paul Bledsoe and walked the alley. Bledsoe will work with the City and fix the big holes in the alley with concrete while he is in town doing curb work.

The Mayor obtained a map of the alleys in Bromley. Every deed shows the areas as dedicated alleyways and NKADD lists them as public parcels for the City.

Requirements for pole attachments are needed from Duke and Cincinnati Bell for approval. Speed limit and moving signs are not permitted on the poles. "No parking" and "children at play" signs are allowed. Signs cannot be traffic-related.

Problems with street lights should be submitted to Rhonda Whitaker at Duke.

The Mayor stated that Urban Redevelopment grant money is available. There are community donation programs also for funding.

Denham will get "no parking" signs for the alley near the park and "children at play" signs for Shelby Street. The Attorney stated that these do not require ordinances.

Denham will do a sign count and obtain prices.

## **ATTORNEY REPORT**

Smith reports that there is money in the budget to cover fire department and LPD expenses. Budget copies are available in everyone's bin.

The Attorney read Ordinance 5-1-11 for the second time. This ordinance allows for the levy and collection of taxes. Smith moves to accept this reading. Rob seconds. Roll call: all aye. The motion carried.

The Attorney read Ordinance 6-1-11 for the first time. This ordinance approves the budget. Smith moves to accept this reading. Denham seconds. Smith asked the Attorney if we are approving the fire department contract by voting on the budget where funds are allotted for this service. The Attorney said no. The budget just makes the funds available for use. Roll call: 4 ayes. Rob and Dan are present, but not voting. The motion carried. The second reading will be done at the July meeting. The payroll will be held until after this meeting.

Jobe has signed the contract with SD1 for use of the lot on Pike Street. No permanent fixtures are allowed to be placed on the lot by the City, no footers or foundations are permitted.

The City will maintain the lot and keep the grass cut.

The Mayor will reclude himself from signing the contract agreement due to his affiliation with SD1 and a conflict of

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interest issue. Jobe was appointed to sign the agreement in his place.

It was suggested that the City rent a roller from Art's to be used on the SD1 lot.

Smith informed Jobe that the tractor was serviced about a year or two ago.

Smith asked the Attorney if he found anything in the KRS that states that the Mayor cannot appoint committees. The Attorney stated that there is nothing in the KRS regarding this matter. Smith moves that the City ordinance be amended giving the Mayor the authority to appoint all committees. Denham seconds. Roll call: 5 ayes. Grimes is present, but not voting. The motion carried.

The Attorney will file foreclosure papers on 238 Boone Street.

### **MAYOR'S REPORT**

The Mayor and Dan attended the Mayor's meeting.

Money is available for projects based on priority. Per OKI, Main Street could have been funded as it is a major thoroughfare.

The Kentucky League of Cities has paperwork related to blight. We could look at the language and refer it to Schutzman.

June 18<sup>th</sup>. is the next meeting to be held in Crescent Springs. Gabriel Summe, who does licensing, is to attend. Rob may want to attend also.

The Mayor thanked the fire department for assisting at the parade and thanked Mark Rodgers for cleaning the monument area.

### **WAYS AND MEANS**

Smith reports that the expenses are up a little due to the curb work on Main Street.

### **PARK AND PLAYGROUND**

Jobe reports that some sections of bad fencing have been removed and more will be removed for safety purposes.

Two wheels have been snapped off of the tractor. Smith stated that several wheels were just replaced.

Jobe is keeping a list of hours for persons assisting Mark Rodgers. They are to be paid for assisting with this interim work which consists of removing the bad fencing, removing graffiti, etc. Grimes was concerned about insurance coverage for these helpers in the event of an accident. The Attorney feels that the workers are covered within the scope of the person they are assisting. The Mayor felt that they would be covered under the blanket policy. Eric France is volunteering his time.

Jobe reports that three telephone poles should be removed. One is snapped in half.

Dan reported that an adult hitting balls to some children hit the ball into the middle of Pike Street. Who is responsible if a vehicle is hit? The Mayor felt that the person hitting the ball would be responsible. The Attorney felt that the City should take reasonable measures to prevent this from happening.

The slide on the boat may be removed. There are also screws sticking out of some of the equipment that should be repaired.

The Mayor reported that Ludlow AC wanted to set a permanent home plate and foul poles at the park. This may be an option. Also, he thanked Jobe for removing a pipe that someone was cut on last year.

### **LICENSE COMMITTEE**

Rob has an updated file regarding vehicle licenses. Citations over one-year old will be removed at the recommendation of the Chief at a former meeting. The Attorney stated that this is a misdemeanor and nothing can be done anyway. Grimes wondered why the rest of the citizens should pay this sticker fee if this is the case.

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Rob is holding off on the rental license file for now.

Rob will save questions regarding occupational licenses for Gabriel Summe

The Mayor reports that a monthly list will be provided to LPD regarding citations.

Grimes informed the LPD officer who entered the meeting that only fire department vehicles were permitted to park across the street from the fire house. She asked that LPD watch this area. (The officer reported that the Chief was out on medical leave and Ben Johnson was in a class).

The Mayor said that, according to the LPD chief, if the curb is yellow no one should be parking there.

### **INSURANCE AND GRANTS**

Grimes stated that Dan had covered the insurance issue regarding the wind damage.

Mark Rodgers attended a meeting regarding grants.

Steve Hensley contacted Grimes regarding the application necessary to get our deductible money back from FEMA from storm damage. He is trying to recover our depreciation expenses also. At this time FEMA is not covering any citizen property damage.

Grimes saw a sign at Walmart regarding donations. She will fill out an application and see what we can get.

Smith moves to accept all committee reports. Rob seconds. Roll call: all aye. The motion carried.

### **NEWSPAPER AND WEBSITE**

Rob missed the May deadline for newspaper articles.

Rob and Greg Rechten continue to work on the website. Rob will mention the website in the local newspaper.

The Mayor would like something in the newspaper monthly and asks committees to submit items to Rob via email.

The SD1 lot might be used for festival parking. Chief Weaver stated that the fire department would fill in any ruts.

The fire department can put caution tape around a sink hole area on this lot.

### **SECOND CITIZEN REPORT**

Eric France stated that Bob France would be submitting a bill for repair of a push mower. Smith suggests to Grimes that maybe Walmart would donate a lawn mower. Home Depot may also make a donation.

### **OLD BUSINESS**

Smith has found someone who will do a glass etching, possibly with the City seal, as a gift for Junior at a cost of about \$80.00. The Clerk will try to get Junior to attend the July meeting.

Smith reports a sink hole around 102 Kenton. Denham will pursue this matter.

Denham will get the banners from the office to see what is useable.

Grimes stated that, as of July 1<sup>st</sup>, there is no LPD and no fire department contract. What will we tell these people?

The Mayor stated that we will have a LPD contract if they choose to accept our offer. Grimes stated that we would not have one with the fire department as of July 1<sup>st</sup>. The Mayor stated that the City is willing to approve the contract but litigation is binding our hands. The Attorney feels that a ninety day or six-month agreement can be made with the fire department as there is funding in the budget for this service. Rob will contact the fire department contract committee and set up a meeting regarding this matter. The Attorney stated that the City has to have fire service from somewhere.

Grimes stated that the fact still remains that the next Council meeting is set for July 6<sup>th</sup>. and nothing will change at that time regarding the vote. The Attorney stated that emergency measures can be worked out until we get the Court answer.

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The Mayor, Rob, Dan and the fire department's contract committee will meet to discuss this matter and come up with a solution.

Rob mentioned the "Paint the Town" project at a prior meeting. Toyota and Rob's company work together annually on this project. Brent Nawroth was in charge and they painted 40 homes in the Dayton and Bellevue area. They did consider Bromley. If they get enough homes next time they may consider Bromley for the future.

**NEW BUSINESS**

Smith asked about the recycling bin that Rumpke was to provide and if a location was determined.

The pad where the SD1 small building used to be was mentioned as a possible site (former youth center).

Denham will contact John Pennick from SD1.

The Mayor will contact Brian Houillion regarding the LPD contract and, if they decline our offer, he will contact Kenton County.

**COMMUNICATIONS**

None

**BILLS**

Smith moves to pay the bills. Denham seconds. Roll call: all aye. The motion carried.

The meeting adjourned at 8:28 p.m.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_

