

The meeting for February 6, 2019 was cancelled due to lack of quorum.

Per the Attorney, tonight's meeting has been scheduled as a special meeting of the Bromley City Council and a revised agenda was posted on the City's website.

This meeting began at 6:00 p.m. with a pledge to the flag.

Roll call: Mike Kendall, Mayor Denham, Attorney Vocke, Dave Radford, Tim Wartman and Gail Smith. Dianne Wartman and Nancy Kienker are absent.

**THE AUDITOR IS NOT PRESENT TO GIVE A REPORT ON FISCAL YEAR 2017-2018.**

Smith moves to accept the January 2019 minutes as presented. Tim Wartman seconds. Roll call: all aye. The motion carried.

**NO CITIZEN REPORT**

**PDS REPORT**

The Attorney reports that the property located at 227 Shelby (Barnes) was foreclosed on by one of the companies that purchases delinquent tax bills, and, last spring or summer this property was offered up for bid and no bids were received. The company owning the tax bills filed a motion order for setting aside the sale. Attorney Vocke studied the statute regarding this matter and it states that "whenever a City, County or Tax Bill Purchaser has filed a suit, whoever has the tax bills ends up owning the property".

If we follow the statute, the property would be owned by the City, the County and the outfit that purchased delinquent bills (as all three parties are owed taxes on this property).

Once one of these properties is sold, tax liens, mortgages or any other encumbrances on the property become extinguished by the sale. Any money that comes in from the sale is used to pay these delinquencies and, if there is not enough money, the rest is paid pro rata.

Attorney Vocke stated that this is still an active case. The Judgment was set aside. He suggests filing a motion, based on our most recent delinquent tax bill for this property, and trying to get the property sold. If no one buys the property it still belongs to the current owner.

Smith suggests that the City make a bid on the property and, if awarded the property, have it torn down.

Public Works (Bob France) had to recently board up the property and it has been a burden for years.

We have lost all chances of collecting delinquent taxes.

The Attorney feels that this is the best avenue to pursue.

Kendall makes a motion that the City find out an amount for a minimum bid and, using that amount, bid on the property located at 227 Shelby Street. Tim Wartman seconds. Roll call: all aye. The motion carried.

The Attorney will pursue this matter.

Attorney Vocke stated that an affidavit needs to be signed or notarized in order to list liens on our Website. He feels that the City needs to find out first from PDS how the liens were served on the property owners. We cannot pursue this matter if we cannot show how the liens were served. Smith will pursue this matter with PDS.

**POLICE REPORT**

This report is available in the office for review.

Chief Stanley reports a burglary on Highwater Road, as well as several domestics and parking violations. Only one vehicle was broken into in a past incident. The persons involved were arrested. One was tracked down to Latonia. Tim Wartman commented on a job well done.

**FIRE DEPARTMENT REPORT**

This report is available in the office for review.

Keller reports only two runs in January. One was a subject, not breathing at Steve Tanner and Pike. There was a call for a boat afloat on the river. The boat was not found.

131 hours of fire department activity were put in during the month of January.

The recent structure fire on Highwater Road will be shown on the February report.

Kendall reports that a meeting with the fire department is scheduled for February 19<sup>th</sup>. at 6:00 p.m.

**HALL REPORT/MAYOR PURCHASED NEW THERMOSTATS FOR THE BUILDING WHICH WILL BE INSTALLED SOON**

**ROAD AND LIGHT REPORT**

Radford reports that the curb work on Route 8 is going slow due to the weather. Everything that has been blanketed has been poured. The area at Hayward has been poured and is reopened.

When weather permits, a light that is out on Bromley/Crescent Springs Road will be replaced. Traffic control is required for the job.

Radford stated that potholes on Rohman Avenue need to be addressed.

Bob France has been working on a drainage issue at Rohman and Moore at the Tewes & Grimes property locations. (The Attorney is still waiting for notarized paperwork from Tewes and Grimes regarding this section of property that is to be turned over to them).

Debris is collecting in an eighteen-inch deep trench on the left side of Tewes' driveway and washing into the street. France has been trying to keep the street clean without damaging the apron on the Tewes driveway. France suggests hiring Riegler to run a trench or rolled curb along the area to help solve the problem. All the debris that France shoveled off of the road has washed back into the road again.

Radford has SD1 on notice. He has videos from a project done last fall and into winter. He believes there may need to be some restoration work done due to that project.

Radford has also contacted the Water District who wants to speak with Joe Tewes. Radford does not feel that this is a Water District issue. He feels it is a storm water-related problem.

Radford feels that one of the properties may be tied into the abandoned storm line that was put in at that location. He also feels that the collection of debris may be caused by storm water runoff.

He has been told that there is a lot of water runoff from up on the Tewes property.

Radford wanted to discuss the ice buildup problem on West Moore from Gary Linn's property. We have had to have multiple treatments by Hamant due to ice forming on the road. As long as there is a culvert at the end of this driveway water is going to come into the street.

Radford stated that we may be able to partner with SD1 and run a storm line up Moore and put in a couple of catch basins. SD1 has a 30/30/30 project available which divides costs between the City/property owner/SD1. Radford has pictures of the ice which shows that the area presents a safety issue.

Radford also wants to discuss a falling wall in this same location with PDS prior to any lines being installed. We will need to determine who owns the wall.

The Attorney showed a plat of the 333 Moore Street property (Gary Linn) which shows that the first ten feet of the Linn driveway is a dedicated extension of Moore Street (it is not a right-of-way). It is an actual part of Moore Street. The south side of Moore, per the Attorney, at this location is paved and the north side is not. Per Smith, Linn's apron actually comes down into Moore Street.

Radford stated that there should be an easement originally granted to the Grimes' family from the property currently owned by the Deatons. This needs to be researched. The Attorney stated that there could be a recorded easement or an easement by use or by description and not necessarily recorded, which means that the property has been used over a period of time and no easement was actually filed. Per the Attorney, this would not be a City issue but rather a homeowner's matter to be settled by them. The Attorney informed the Mayor that the bottom line is that the City is responsible for the first ten feet of the Linn driveway because it is a dedicated extension of Moore Street.

Radford informed Smith that he did not know who put up the "no parking" signs on Shelby between Main and Pleasant.

The Mayor is concerned about the bend in the road on Bromley/Crescent Springs as the hillside keeps inching further and further into the road. It is about two feet into the road at this time. Kendall stated that the State has been informed, has investigated, and does not see this to be an issue. The Mayor is concerned about the safety of the citizens and suggests that a reminder be sent to the State regarding this concern. Kendall has a contact person and will pursue this matter.

Radford touched on the Verizon Fiber Optic Project briefly. He will discuss this matter further next month. Eventually the project will tie into businesses first and then be available as a residential service.

### **NO LICENSE REPORT**

### **ATTORNEY REPORT**

The Attorney read Ordinance 1-1-19 for the second time. This ordinance states that the hall cannot be rented to any citizen having delinquent taxes. (Rental delinquencies, per the Attorney, fall under the "assessment" portion of the ordinance). Smith moves to accept this ordinance reading. Kendall seconds. Roll call: all aye. The motion carried.

The Attorney read Ordinance 2-1-19 for the first time. This ordinance amends the last fiscal year budget. Smith moves to accept this ordinance reading. Kendall seconds. Roll call: all aye. The motion carried.

Resolution 2-1-19 was read and appoints Gailen Bridges as Bromley's representative for the Kenton County Planning Commission through December 31, 2019. Kendal moves to accept this resolution. Smith seconds. Roll call: all aye. The motion carried.

Resolution 2-2-19 was read. The Telecommunications Board, on behalf of the citizens of Bromley, is asking that action be taken to invalidate some recent action taken by the FCC.

Smith moves to accept this resolution. Radford seconds. Roll call: all aye. The motion carried.

The Mayor would like for the Attorney to invite a representative from American Publishing Company to attend the March Council meeting. This is in regards to the recodification of City ordinances. Smith and Dianne Wartman have been reviewing ordinances and there are some questions that they would like to see addressed.

Smith stated that there is an interest in Bromley joining with Park Hills to establish a joint trash collection contract in an attempt to get better pricing. Attorney Vocke feels that an Interlocal Agreement will need to be put into place.

Smith stated that our large trash pickup date may be eliminated, but, Park Hills stated that Rumpke will pick up large items if given advance notification. Smith will pursue this matter. This contract may reduce our pickup to one day per week but recycling will become an option.

Our Attorney has contacted the attorney dealing with the Roseberry properties. This involves the 305 Main Street property and the falling wall that has caused an issue for the Main Street Project. Mr. Vocke has been informed that we now have a Roseberry family representative that can be contacted regarding this situation. Hopefully we can get this person to agree to maintain the wall, as part of the State contract, after it is repaired by the State.

The Attorney reports that B/P is going to be sending the City a check in the amount of \$28,800.00 for the years that were owed to Bromley based on State (approximately \$6,000,000.00), not PVA (\$3,000,000.00) assessments. The City was unaware of the assessment from the State and was using PVA assessments.

Our Attorney has been in contact with the Ft. Mitchell City Administrator in regards to the Verizon Fiber Optic Project. He has asked that Bromley be included with the other ten cities working on this franchise. If Bromley is accepted there will be a potential fee of \$1,500.00 per City to retain an Attorney. Smith moves that our Attorney be authorized to have Bromley included in this franchise agreement. Smith amends her motion to include that up to \$1,500.00 be added to the motion as our portion of the process. Kendall seconds the amended motion. Roll call: all aye. The motion carried.

#### **MAYOR REPORT**

The Mayor reports that he has attended two meetings with PDS. Kendall has attended as well. There have been numerous meetings regarding the zoning changes. The proposed zone changes blend in where we touch neighboring cities, especially Villa Hills and Ludlow as zoning pertains to the river.

#### **WAYS AND MEANS REPORT**

Smith is hopeful that the Auditors will be giving their report at the March Council meeting.

Smith still needs numbers from the committees for the budget.

The amended budget shows that \$432,095.00 was taken in and \$452,641.00 was spent.

The current budget shows to date figures as follows: \$274,334.00 collected and \$269,976.00 spent so we are breaking even at this point.

#### **PARK AND PLAYGROUND REPORT**

France and Tim Wartman went to a pesticide training class and both received certificates.

Operations and park projects will begin as soon as weather permits.

France has been prepping the garage in the event of flooding (moving items from ground level, lining trash cans along the wall with pallets, etc.). He will continue to keep an eye on the river in the event that equipment may have to be moved to higher ground.

France cannot find owner's manuals on the tractor. He may check online.

The Mayor thanked Kendall for his assistance in getting heat put into the park garage. The heating unit is up high and out of flood water range.

**NO INSURANCE AND GRANTS REPORT**

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

**OLD BUSINESS**

Kendall reports that Ludlow School is the only one participating in the entry sign contest. They are in the process of incorporating the City seal into the design. The deadline should be met.

**Main Street Project:** Kendall reports that Palmer Engineering just received a signed grant of easement on one of the other parcels that they have been working on. They will be moving ahead from there.

The Z21 group that was established to formulate the new design guidelines has concluded its work. The guidelines are ready and we need to set a date (March/April) for that group to come and address our Mayor and Council and present the guidelines. They recommended that we team up with a neighboring city to streamline the effort. Villa Hills has shown a lot of interest in joining us. Kendall will try to have them put on the agenda for March.

No bills have been received from Palmer Engineering at this time.

Smith stated that she and Dianne Wartman have reviewed ordinances from 2003-2011. They feel that some are missing and they have a lot of questions. They also feel that a lot of ordinances need to be eliminated. No Municipal Orders are currently listed.

Kendall informed everyone that we will break ground on the Main Street Project this year. They did extend the Memorandum of Agreement into next year to make sure that the money is secure. They also extended the SD1 agreement as well.

**NEW BUSINESS**

The contribution fee invoice was received from NKADD. The amount is \$312.83. Smith moves to pay this amount. Radford seconds. Roll call: all aye. The motion carried.


Tim Wartman reported that gravel was dumped on the Highwater Road property where they are asking to construct a boat storage building. The Mayor attended the meeting regarding this matter. His only concern is that the fencing be high enough so that nothing is seen above the fence.

**NO COMMUNICATIONS**

**BILLS**

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

Smith moves to adjourn. Radford seconds. The meeting adjourned at 7:02 p.m.

MAYOR 

CLERK 