

CITY OF WINDY HILLS

Minutes of Regular Council Meeting
December 12, 2022

The Council and Officers of the City of Windy Hills met at Sojourn Community Church East, 2501 Rudy Lane, at 7:00 P.M. Mayor Helen Davis called the meeting to order.

ROLL CALL: The following were present:

MAYOR

Helen M. Davis

COUNCIL MEMBERS

Bruce Blue - ABSENT

Kate Greer

Marcia Myers

Marianne Rademaker

Suzanne Spencer

Laura Trachtenberg

OTHER CITY OFFICIALS

Christine Haner, Clerk

Attorney Timothy Mayer

Don Ryan, Code Enforcement

MINUTES:

Councilwoman Greer moved to approve the minutes of the November 14, 2022, Council meeting; seconded by Councilwoman Myers. The motion passed unanimously.

FINANCIAL REPORTS, APPROVAL OF BILLS:

Councilwoman Rademaker moved to approve the November 2022 Financial Reports; seconded by Councilwoman Greer. The motion passed unanimously.

Councilwoman Trachtenberg moved to approve the November bills, totaling \$51,720.53 and was seconded by Councilwoman Rademaker. The motion passed unanimously.

RESIDENTS' COMMENTS/CONCERNS:

Frank Nye, a resident of 440 Highfield Road, signed in to discuss the snow and ice removal on his street for this winter. Last year a FedEx truck got stuck in front of his home as the road was not salted on his end. The roadway dips downward and is tricky to navigate when unsalted during snow and ice events. Mayor Davis kindly responded to Mr. Nye and his concern will be addressed as the winter progresses by the new councilmember tasked with the area of Public Works. Brownsboro Lawn Care has the contract with the City for Snow and Ice Removal this winter.

NEW BUSINESS / AUDIT REPORT:

Mayor Davis announced she was deviating from the Agenda to accommodate the schedule of Mr. Matt Huelsman from Jones, Nale & Mattingly PLC, a CPA and Advisory Firm.

For New Business, Mr. Huelsman presented a summary of the Audit Report they completed for Fiscal Year ended June 30, 2022:

Pages 1-3 found that foremost, Windy Hills was given a “clean, unmodified opinion”, which is what we strive for. The Basis for that Opinion was grounded using auditing standards generally accepted in the US and apply also to financial audits contained in *Government Auditing Standards*.

The Responsibilities of Management was briefly mentioned as managers also evaluated conditions of our City. Similarly, the Responsibilities of Auditor’s and their professional judgement provided reasonable assurances as they exercised professional judgement and maintain professional skepticism as they conducted the audit tasks.

Pages 4-9 contained Management’s Discussion and Analysis summarizing in a simple form the financial analysis of the City as a Whole, looking at Assets, Liabilities, Net Position, Revenues, Expenses, and Budgetary Highlights.

Page 10, the Statement of Net Position, revealed Cash and Cash Equivalents of \$883,282 and Certificates of Deposit of \$854,677. It was mentioned \$335,646 was restricted/set aside for Road Maintenance. Accounts Payable was \$19,237 and the ultimate Net Effect was \$2.7M.

Page 11, the Statement of Activities, revealed the American Relief Plan Act (ARPA) income received by the City increased the General Revenues by \$251,715.

Pages 12-15 showcased the Governmental Fund Statements, breaking out the General Fund from the Road Maintenance Fund. The Reconciliation for this was on page 13. Pages 14-15 confirmed an Excess of Revenue over Expenses as the Net Change in Net Position of Governmental Activities.

Pages 16-23 encompassed the Notes to Financial Statements. This summarized the accounting policies in a variety of areas in a narrative form for ease in understanding.

Required Supplemental Information was presented next. Page 24 compared Budget to Actual in the General Fund with the main difference being the income from ARPA. Page 25 compared Budget to Actual in the Road Maintenance Fund.

Pages 26-27 was set aside for the Auditor’s Report on Internal Controls over Financial Reporting and on Compliance and other matters based on this audit. **No material weaknesses or significant deficiencies regarding Internal Control Procedures were found.** The results of the

compliance tests disclosed no instances of noncompliance or other matters requiring special reporting. The scope of the testing of City Internal Controls was limited specifically to the audit and does not provide an opinion on the effectiveness of the City's Internal Controls for Compliance.

Mr. Huelsman did not have any questions from Council or residents regarding his presentation and left the meeting forthwith.

Councilwoman Greer made a motion to accept the Audit results. This was seconded by **Councilwoman Rademaker**. The motion passed unanimously.

UNFINISHED BUSINESS:

Mayor Davis announced the continuation of discussion on the Ordinance updates.

Councilwoman Greer made a motion to hear the Second Reading of Ordinance No. 22-01. This was seconded by **Councilwoman Rademaker**. The Clerk read the following:

**ORDINANCE NO. 22-01
AN ACT OF THE CITY OF WINDY HILLS, KENTUCKY ESTABLISHING A
CODE ENFORCEMENT BOARD.**

This is an act creating a new section of the Windy Hills Code of Ordinances that authorizes the establishment of a three-member code enforcement board in the City of Windy Hills with the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances. This act establishes the lawful process by which a code enforcement officer may issue citations to residents of Windy Hills for code violations. The board meets only to hear appeals brought by residents contesting a citation. This act guarantees minimum due process rights for residents contesting citations before the board, and it establishes the procedures governing the hearing of an appeal before the board. In the event a civil fine goes unpaid, this act authorizes the city to place a lien on the property, and the ordinance sets forth the process for filing the lien.

Councilwoman Rademaker made a motion to approve Ordinance No. 22-01. This was seconded by **Councilwoman Greer**.

Before a vote could be cast **Councilwoman Spencer** asked a few questions.

A roll call vote was taken:

Councilwoman Greer – Yes
Councilwoman Myers – Yes
Councilwoman Rademaker – Yes
Councilwoman Spencer – No

Councilwoman Trachtenberg – Yes

Ordinance No. 22-01 was officially adopted.

Councilwoman Greer made a motion to hear the Second Reading of Ordinance No. 22-02. This was seconded by **Councilwoman Trachtenberg**. The Clerk read the following:

ORDINANCE NO. 22-02

**AN ACT OF THE CITY COUNCIL OF THE CITY OF WINDY HILLS, KENTUCKY AMENDING THE
ORDINANCE ESTABLISHING NONELECTED CITY OFFICERS.**

This is an act amending Section 31.3 5 of the Windy Hills Code of Ordinances to add language requiring ordinances creating nonelected city offices to specify qualifications, salary, and term of office. This act removes language referring to a police chief which is a position not established in Windy Hills. Section 31.35 is also amended to require all nonelected city officers to take the oath prescribed in the Kentucky Constitution.

Councilwoman Rademaker made a motion to adopt Ordinance No. 22-02. This was seconded by **Councilwoman Trachtenberg**. There was no discussion.

A roll call vote was taken:

Councilwoman Greer – Yes
Councilwoman Myers – Yes
Councilwoman Rademaker – Yes
Councilwoman Spencer – No
Councilwoman Trachtenberg – Yes

Ordinance No. 22-02 was officially adopted.

Councilwoman Greer made a motion to hear the Second Reading of Ordinance No. 22-03. This was seconded by **Councilwoman Trachtenberg**. The Clerk read the following:

ORDINANCE NO. 22-03

**AN ACT OF THE CITY COUNCIL OF THE CITY OF WINDY HILLS, KENTUCKY REPEALING AN
ORDINANCE RELATED TO THE CITATION OFFICER**

This is an act repealing Section 31.38 of the Windy Hills Code of Ordinances which established the nonelected city office of citation officer. Windy Hills has not had a citation officer for many years, and the functions of this office have been performed by the code enforcement officer as established in Section 31.39.

Councilwoman Rademaker made a motion to adopt Ordinance No. 22-03. This was seconded by **Councilwoman Greer**. No discussion was needed.

A roll call vote was taken:

Councilwoman Greer – Yes
Councilwoman Myers – Yes
Councilwoman Rademaker – Yes
Councilwoman Spencer – Yes
Councilwoman Trachtenberg – Yes

Ordinance No. 22-03 was adopted unanimously.

Councilwoman Trachtenberg made a motion to hear the Second Reading of Ordinance No. 22-04. This was seconded by **Councilwoman Greer**. The Clerk read the following:

ORDINANCE NO. 22-04

**AN ACT OF THE CITY COUNCIL OF THE CITY OF WINDY HILLS, KENTUCKY AMENDING AN
ORDINANCE RELATED TO THE CODE ENFORCEMENT OFFICER**

This is an act amending Section 31.39 of the Windy Hills Code of Ordinances to add certain requirements to the nonelected city office of Code Enforcement Officer. This act requires the code enforcement officer to take the oath, and it sets forth certain qualifications that must be possessed by any candidate for the position. This act also transfers powers previously possessed by the citation officer to the code enforcement officer such as the power to issue citations for non-moving motor vehicle code violations. It also restricts the code enforcement officer from making arrests, carrying deadly weapons, and issuing citations for violations of the state criminal code and moving motor vehicle laws. This act also removes the requirement for bonding the code enforcement officer if required by City Council.

Councilwoman Trachtenberg made a motion to adopt Ordinance No. 22-04. This was seconded by **Councilwoman Rademaker**. **Councilwoman Spencer** asked if the Code Enforcement Officer is citing folks for overnight parking on city streets. Mayor Davis answered that Lyndon Police have been patrolling overnight and citing folks for this violation.

A roll call vote was taken:

Councilwoman Greer – Yes
Councilwoman Myers – Yes
Councilwoman Rademaker – Yes
Councilwoman Spencer – Yes
Councilwoman Trachtenberg – Yes

Ordinance No. 22-04 was adopted unanimously.

COMMITTEE REPORTS:

Finance and ARPA Committee: **Councilwoman Rademaker** reported:

Finance

There was nothing to report regarding finances.

ARPA

The ARPA Committee did not meet on Wednesday, December 7th, as no one contacted the committee regarding an application or discussion.

Councilwoman Rademaker then read a Happy Holidays Thank You card from Immanuel Guest, a Donor Relations Specialist, with The Healing Place. Mr. Guest thanked the City for bringing so much joy to The Healing Place this year with our ARPA gift. He stated it contributed to reunited families, provided hope, and even saved lives.

Code Enforcement: **Don Ryan** reported:

The letters to rental homes, vacant homes, and Coach Gate properties were mailed out recently to encourage those homeowners to complete the Rental Registry Form for 2023.

Mr. Ryan has witnessed Lyndon Police patrolling street-to-street and in some instances shooting radar as he also makes his rounds for Code Enforcement. This has been a regular occurrence.

Windy Hills Green/City Maintenance/Tree Board - **Councilwoman Greer** reported:

GREEN Helen, Tom and I decorated the shrubbery around the entrance. After we take down the lights in January, Adam will try to shape the bushes that are blocking the signage. If that doesn't work, the shrubs will be replaced with something more suitable. There are markers on the Green to show where the new path will be constructed.

WESTPORT ROAD Two more trees were knocked down on the curve. Helen is looking into a solution acceptable by the Highway Department to protect them from speeding cars. At least it is raining again and tree watering is over for the time being.

GLOW ON THE GREEN was moved from Wednesday, November 30 to Thursday, December 1 because of the predicted high winds. It was feared that the weather conditions would make

the venue unsafe. The crowd was much smaller than last year. We have a lot of “goody bags” left that can be saved until next year. We took the perishables out and donated them to St. MAM.

HUBBARDS LANE RECYCLING CENTER. Work is being done on the site.

Newsletter/Parade & Picnic - Councilwoman Myers:

The November Windy Hills Breeze was sent on Wednesday, November 16th to 728 recipients. 67.5% were opened.

2 additional email communications were sent during the month.

We will send out a final print edition of our newsletter this month. The deadline for articles is **Wednesday, December 14th at noon**. If you have items and articles sooner, I would really appreciate it as I will have company next week, so would like to work ahead.

Following the pattern which seems to have worked well for us, the January 2023 edition would be a digital newsletter (a Breeze) and the deadline would be Wednesday, January 11th.

Christine Haner is familiar with Mail Chimp and has the passwords to use it and the newsletter@cityofwindyhills.com mailbox. I have created a digital file of Windy Hills photos that are available on Dropbox.

By publishing our newsletter on a hard deadline immediately after the Council meetings, news is fresh and it is easy for the editor to gather articles at the meetings.

Print newsletters in 2023 might fall in March, June, September, and December. Kyle Shook remains available to work on layout. We have a good, low-cost arrangement with Minuteman Press for printing and mailing. Christine Haner has the contact information and is very efficient in her role in the process (providing mailing addresses and arranging payments).

It has been my pleasure to serve as editor during my service to the City. I deeply appreciate the significant roles that Kate Greer, Helen Davis, and Christine Haner have played in the process and the willingness of Council members to provide material.

Community Caring/Health & Fitness/Welcome to Windy Hills – Councilwoman Spencer:

Councilwoman Spencer reported the following (in her words):

Welcome to Windy Hills: There were three new residents in November.

The Council has heard my comments for some months that I feel that Business First real estate reports are not as complete as they once were, and if I remain in place as welcome person for Windy Hills, I will be exploring another avenue to receive those reports. Perhaps Property Valuation or Multiple Listings.

I will also be redesigning the “Welcome Booklet” that new residents receive when I call on them. If any councilor wishes not to have their phone or email address listed with their name and the area they will be working in, please say so.

Caring Community: A limited number of food gifts, cleaning & personal health items were collected at the Glow on the Green celebration. I was with my Chicago children that day and in my absence Marcia delivered the items to St. MAMs. Thank you, Marcia. Thanks also to Marcia for notices in The Breeze. They were a great help in implementing programs and sharing news and ideas. If I am asked to continue with my “Caring” programs I will also be exploring methods of enhancing communication in addition to the once monthly newsletters.

Census Data shows that among Windy Hills residents, 43% are age 60 and older; 56% are age 50 and older; and 17% are age 20 and younger.

Health and Fitness: No report.

Holiday Decorations:

Brownsboro Lawn will remove light post decorations and store them for re-use next Holiday Season after the first of the year.

Public Works – Councilman Blue (ABSENT):

Councilman Blue, in his absence, sent an email to the Council. It did not contain any new developments or updates regarding Public Works.

Councilman Blue does send his best to the new Mayor.

Food Truck – Councilwoman Trachtenberg reported:

Councilwoman Trachtenberg had nothing to report but wished to express her thanks to everyone for her time serving on the Council. She is happy to support the City as needed in the future.

City Clerk – Christine Haner reported:

TRASH/RECYCLING/YARD WASTE

Many residents who have called the last few months, whether for a first-time event, or chronic issues, have requested that Windy Hills re-evaluate this City service in 2023 and possibly start a new poll to determine the wishes of residents now that they have experienced trash pick-up at one day per week most recently.

VACANT AND RENTAL PROPERTIES

The letters and registration forms have been mailed to the properties we believe need to register as Vacant or Rentals. Other potential rental properties will be researched by Code Enforcement.

PROPERTY TAXES

As of 12/08 there are 38 unpaid Property Tax Bills out of 1,191 for 2022.

There are 10 unpaid Property Tax Bills for 2021.

There are 5 unpaid Property Tax Bills for 2020.

There is one unpaid Property Tax Bill each for years 2015 and 2016.

Liens have been filed for 2021 and back for non-payment.

NEW BUSINESS:

Establishment of Code Enforcement Board:

Mayor Davis read the list of Mayoral Recommendations for the new Windy Hills Code Enforcement Board. The terms are intentionally staggered.

Steve Miller – 3 year term

Donna Piercy – 2 year term

Harold Leggett – 1 year term

Alternates:

Terri Breland – 1 year term

Ralph Williams – 1 year term

Martha Davis – 1 year term

Councilwoman Rademaker made a Motion to confirm the appointments of the Code Enforcement Board. This was seconded by **Councilwoman Greer**.

Before a vote could be taken, **Councilwoman Spencer** inquired where these names came from and asked if those folks volunteered. She also asked if incoming Mayor, Dr. John Roberts, had met the people on the list. Mayor Davis responded by reminding Councilwoman Spencer that the current Mayor is charged with recommending residents to the Code Enforcement Board and those residents expressed an interest in this role. The qualifications for each candidate was discussed during the Caucus Meeting on Friday, December 9th.

Upon no further discussion, Mayor Davis took a vote. While Councilwoman Spencer was the only "Nay", the motion passed to confirm the appointments of the Code Enforcement Board.

ATTORNEY'S COMMENTS:

City Attorney **Tim Mayer** stated his time has been spent following the Westport Road project, updating Ordinances, and reviewing the Snow Removal Contract with Brownsboro Lawn Care. He plans to work on the Ethics Code, which has not been updated since 1994, and will look into the training required for the new Code Enforcement Board.

MAYOR'S REPORT:

Police Report: We paid for 96 hours of Police support.

There was radar monitoring on multiple locations on Ambridge with no tickets or warnings. There were 5 parking citations, 1 of which has been paid. I will be following up on the unpaid citations next week. The police tried serving a wanted person attempt but no one answered the door. There was a vandalized SVU on Antrim. The police conducted follow up targeted Antrim patrols. They now think it might have been a buck that attacked the vehicle. The previous resident of 726 Indian Ridge was trespassing. The neighbors called our police and me. Lyndon Police had to call Metro police to have him leave. Our Grassy Fork house is back on House Watch.

Councilwoman Spencer asked at the November Council meeting about the format for our monthly financials and why they included the ARPA funds. I believe my previous answer was not as complete as it could have been. Many organizations have multiple sources of income and thus expenses associated with said revenue streams. When the financial statements are created, they are called "consolidated statements" because it shows the financial activity from all sections of the organization. Our documents include "general funds" and the activities associated with said funds, road funds and the expenditures, and finally American Rescue Act funds and expenditures. Although, it may be somewhat confusing, our financial statements show the complete records of our financials and the activities/expenses associated with them.

I want to thank everyone who attended the JCLC dinner. I received several positive comments about Windy Hills being well represented. Additionally, the JCLC Board was very appreciative of our donation of a gift card from Brownsboro Hardware.

I want to thank Sue and her committee for the Holiday decorations. It always brightens our residents' holidays to see our City decorated.

The Glow on the Green was a BIG success thanks to the team efforts of Laura Trachtenberg, Marcia Myers, and led by Kate Greer. I want to thank Councilwoman McCraney for providing the accordion player, Mike O'Brian. I received many compliments from the families who attended. The children loved their "goodie" bags and I thank Kate and Marcia for putting that together. Thank you!

I want to thank the Greipel family for hosting our December Windy Hills appreciation dinner. It was SO kind of them to open the restaurant for one night and provide us a delicious dinner. I appreciate everyone who attended.

I want to thank the Council members for your generosity and support the last 4 years. Everything that I was able to accomplish was due to your hard work, advice, encouragement, and support. It is a team effort to provide the City with the services that we do and you are all a FABULOUS team.

I also want to thank our City Clerk, Christine Haner, who stepped into her role in April and hit the ground running. We are lucky to have her. I would be remiss if I did not thank the two code enforcement officers with whom I had the pleasure to work, former officer, Steve Teaford, and current officer, Don Ryan. Your job is a tough one but you both fulfilled your duties with grace and good humor.

I have to thank our City Attorneys who tried to keep me straight and out of the day glow orange jump suit. Clay Barkley, Randy Strobo, and Tim Mayer's advice and legal counsel was thoughtful, well researched, and timely. Finally, I want to thank Marcia Myers, Laura Trachtenberg, and Bruce Blue for serving on the Council. I truly appreciate everything you have done for the City.

I want to congratulate our new Mayor, Dr. John Roberts, and the new council members, Steve Teaford and Julie Theiler, on their election. I know the Council and residents look forward to working with you.

COMMENTS/QUESTIONS TO THE COUNCIL AS A WHOLE:

None

City of Windy Hills Minutes
November 14, 2022

Councilwoman Greer moved to adjourn the meeting at 7:53PM; seconded by Councilwoman Myers, and the motion passed unanimously.

Helen Davis, Mayor

Christine Haner, City Clerk