

CITY OF WINDY HILLS

Minutes of Regular Council Meeting
December 9, 2024

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 Roberts called the meeting to order.

ROLL CALL: The following were present:

MAYOR

Dr. John Roberts

COUNCIL MEMBERS

Helen Davis

Kate Greer

Marianne Rademaker

Suzanne Spencer

Steve Teaford

Julie Theiler

OTHER CITY OFFICIALS

Christine Haner, Clerk

Timothy Mayer, Attorney

MINUTES:

Councilwoman Greer moved to approve the minutes of the November 11, 2024, council meeting; seconded by **Councilwoman Rademaker**. Having no need for discussion, the motion carried.

FINANCIAL REPORTS, APPROVAL OF BILLS:

Councilwoman Davis moved to approve the November 2024 Financial Reports which included the Profit & Loss Statement as well as the Balance Sheet; seconded by **Councilwoman Greer**. With no discussion necessary, the motion passed unanimously.

Councilwoman Rademaker moved to approve the November checks, totaling \$51,630.91; seconded by **Councilwoman Greer**. Having no questions, the motion passed unanimously. **Mayor Roberts** noted the ARPA account balance of \$13,119.96 and the Road Fund account balance of \$48,522.31. The ARPA balance is expected to be earmarked to expand the parking pad on the Green. The funds will be expended no later than April 2025.

RESIDENTS' COMMENTS/CONCERNS: None

COMMITTEE REPORTS:

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

GREEN: Adam Schneider planted a magnolia near the walking path.

WEXFORD PLACE: The 18 Lirope and 2 Ninebark shrubs were planted on December 4.

CLERKENWELL CIRCLE: The 10 Lirope and 3 Sugar ‘n Spice Viburnum were planted December 4.

TREE BOARD: The Tree Board would like the Mayor to appoint, with council approval, new two new members: Josh Ashley and Samantha Fluke. They will have 3-year terms.

Councilwoman Greer made a motion to appoint Josh Ashley and Samantha Fluke to the Windy Hills Tree Board. This was seconded by **Councilwoman Rademaker**. The motion passed unanimously.

The 2025 Windy Hills Tree Board will consist of the following with staggered terms noted:

Scott Breland, Current Chairperson (2025,2026,2027)

Teri Breland (2025,2026)

Joyce Bridge (2025)

Laura Trachtenberg (2025,2026)

Bob Jacobs (2025,2026)

Josh Ashley (2025,2026,2027)

Samantha Fluke (2025,2026,2027)

Councilwoman Kate Greer, non-voting City Council member

Caroline Westfall, City Arborist

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

Welcome to Windy Hills: There were three real estate transfers in November.

Health and Fitness: There were no City-sponsored walks during November.

Commemorative plaques on the Green: Mayor Roberts has chosen to “plant” four replacement plaques and one new plaque on the Green according to our original “Smiley plan”.

Public Works – Councilman Teaford reported:

The light fixture on the Green featuring Rudy the Bear has been fixed by Laswell Electric.

The electrical outlets/plugs were unlocked at the City entrances to be used for Holiday lighting. The plug on Victoria Place was also unlocked. This outlet was broken for some time previously and the residents were thankful everything is now in working order so they can enjoy lighting installed by several neighbors.

We hope to begin the installation of the Radar/Solar Speed signs soon, anticipating next week.

During the last week of November, a small snow event occurred where we had our first application of salt by Brownsboro Lawncare. The cost was around \$4,700.

Our City Engineer, Mark Madison, collected bids for an extension to the parking pad on the Green. This process was entered into after an initial estimate of \$51k was obtained, demonstrating necessity to collect multiple bids.

The bids were opened on Friday, December 6th:

2YardPros	\$43,500
Flynn Brothers	\$44,500
Hall Construction	\$46,500
Libs Paving	\$47,500

Having no experience with 2YardPros as their business appears to be primarily for landscaping and yard maintenance, both the Mayor and Councilman Teaford recommend Flynn Brothers to be awarded the project.

This project will use up the remaining funds in the ARPA account, currently \$13k, with the remainder of the expense coming from the General Funds of the City.

At this time, **Councilman Teaford** made a motion to award the bid of the parking extension on the Green to Flynn Brothers, seconded by **Councilwoman Davis**. **Mayor Roberts** agreed with both the assessment and recommendation. The motion passed unanimously. The bid will be signed by December 31, 2024, to be in compliance with the ARPA guidelines for the use of ARPA funds. ARPA funds must be expended the end of April 2025.

City Clerk/Treasurer – Christine Haner reported:

A required Legal Notice was placed in the Courier-Journal on 11/29 to announce the approval of the audit for FYE 6.30.2024 by the council and where it can be found on our website. Mayor Roberts successfully submitted a pdf of the final audit report to the Department of Local Government.

39 tax bills remain unpaid for tax year 2024. This represents \$18K of income due us if paid by end of day 12/31/2024. Courtesy reminder letters with a 2nd copy of the tax bill were mailed on December 3rd.

Following the audit, some accounting documents for fiscal year 7/2020 – 6/2021 were able to be destroyed. The proper destruction certificates were filed with the state. Primarily these were paid bills and deposits.

The 2025 Rental Registration Letters and Forms were mailed on December 2nd.
The 2025 Vacant Registration Letters and Forms were mailed on December 3rd.

Our web designer, with support from our IT vendor made several DNS (Domain Name System) and coding changes on our website to help weed out legitimate communications from residents from junk/spam. This was a bit of a trial and error because our IP Address is set up to randomize instead of staying static to prevent fraud. We have since changed the form submission to go through an email service rather than software that randomized the IP Address. As technology changes, we are finding the best ways to thwart fraud while maintaining functionality.

ATTORNEY COMMENTS: None

MAYOR'S REPORT:

Policing Report: The Lyndon police patrolled the streets of Windy Hills for a total of 86.9 hours during the month of November. Particular attention was paid to Indian Ridge Road as residents frequently report speeding on that road. No citations or warnings were given. As reported by Councilman Teaford, once deployed, the new solar-powered speed detection devices will help the Lyndon police to know the optimum time to patrol the area. The same will be true for Ambridge Drive, another street where residents are concerned about speeding.

Notice of Public Hearing for a Conditional Use Permit on Westport Road. The city has been notified of a public hearing regarding the property at 4301 Westport Road. There is a proposal to demolish the house and garage presently at the site and to construct a new one-story, 11,000 square foot day care center with an outdoor playground and a parking lot for about 40 cars. The hearing will be tomorrow night, Tuesday, December 10th at 6 pm at the St. Matthews Eline Library, 3940 Grandview Avenue in St. Matthews.

Code Enforcement Officer Position. We will be conducting interviews this week and next with applicants for the Code Enforcement Officer position and hope to have someone appointed to the position at the first of the year.

The Green. I am happy to report that Louisville Gas and Electric informed me today that they are nearing completion of their pipeline and electrical work on the Green. They will be removing the rock from the temporary parking lot they used to store their heavy equipment. That will allow us to move forward with using the residual ARPA funds to expand the paved parking lot.

Property Taxes: Finally, as reported by Mrs. Haner, our Clerk and Treasurer, there was a 20% increase in the number of residents who failed to pay their property taxes within the discount period. There were various reasons and explanations offered, most of which involved the mail service. Mayor's Personal view: The fact that the discount rate is so high (53% this year) I think causes a lot of anxiety and emotional stress on our residents during the months of October and November. I think the Council might want to consider reevaluating our property tax and discount rate processes after the first of the year.

UNFINISHED BUSINESS:

Councilwoman Davis made a motion to hold a Second Reading of the Proposed Revision to Rental Ordinance #110; seconded by **Councilwoman Greer**.

The Clerk read:

The Proposed Ordinance is a Revision of Rental Ordinance #110, specifically Registration Requirements #110.01, effectively updating the definition of a rental property.

(A) Registration with the city of all rental property located within the City of Windy Hills by persons owning, managing, leasing, and/or renting property is hereby required. Windy Hills considers any property to be a rental property if any amount of money or services are

exchanged for the right to live there. This includes any person who pay utilities, HOA Fees, mortgage, or taxes. If nothing is paid or exchanged, it is not considered a rental. Exceptions will be made for those properties where ownership has been transferred to a Trust and any beneficiary(ies) of the trust resides at the property or a relative who is residing at an owner occupied property. Said property, in this circumstance, is not considered a rental.

(B) Registration of the rental property will be required for persons renting one or more rental units.

Councilwoman Davis moved to accept the revision to the Rental Ordinance; seconded by **Councilwoman Greer**.

This opened discussion in which Mayor Roberts shared:

The Council members know that I am opposed to the change they wish to make to the Ordinance relating to the registration of Private Property Rentals, Chapter 110 of the City of Windy Hills, Kentucky Code of Ordinances. The proposed change is to section 10.01 (A) which states "Registration with the city of all rental property by persons owning, managing, leasing, or renting property and not residing at said property is hereby required." The current ordinance allows a person, who continues to live in his or her home, to allow someone else to live in a portion of that home without registering this activity as rental property with the City. The Council in the proposed amendment to the Ordinance seeks to remove the exemption for owner-occupied properties.

I do not think this is a good idea. In my view, the change would be difficult to enforce, adds little or nothing to the safety of the property, creates a nuisance and expense for the property owner, creates more paperwork for the city, and is, in my view, an infringement on the owner's property rights. I want to make three points:

1. The purpose of rental property registration is to allow the city to easily contact the owner if there is a problem with the rental property. This is important if the person responsible for the property lives at another location. If the owner resides at the rental site this is not an issue as the city can easily contact the owner by going to the rental site.
2. A city does have a responsibility to assure that properties rented to individuals are safe to live in. However, Windy Hills inspects only the exterior of the house to assure that the property is not a nuisance property. Windy Hills does not inspect the interior of the rental properties. Metro Louisville does the interior inspections of rental properties, including those in Windy Hills, and Metro Louisville exempts owner-occupied rentals from registration. Metro Louisville assumes that an owner would not himself occupy a home that was unsafe.
3. I believe one's home is one's castle and that what happens within the walls of that home, as long as it is not dangerous or illegal, is not the city's nor the state's

business. If a homeowner wants to allow her grown daughter to live in a spare bedroom, to me that is the right of the homeowner, even if the daughter pays rent. If one says an exemption can be made for relatives, the proposed ordinance does not allow this as it is written, and furthermore the city would need to define what is meant by “a relative.” Would the daughter of a paternal cousin twice removed be considered a relative? And, what about the young couple who has a live-in nanny who gets free room and board in exchange for caring for the kids when the parents are at work? Does the homeowner need to register the home as a rental?

Again, I do not think this change to the ordinance is a good idea. In my view, the change would be difficult to enforce, adds little or nothing to the safety of the property, creates a nuisance and expense for the property owner, creates more paperwork for the city, and is, in my view, an infringement on the owner’s property rights.

In response, **Councilwoman Davis** reminded everyone about the struggle for ten plus years with the home on Indian Ridge Road. The Rental Registration Ordinance was helpful since the resident was renting rooms in the home to vagrants by the night. Because the resident did not register the home as a rental, per the Ordinance, liens accumulated, as did fines, etc. The City ended up settling the dispute rather than going to court. Now, this home has been updated and is one of the more attractive homes in the area.

It was mentioned that whether it be Airbnb’s, VRBO’s, Craigslist ads, long or short-term, etc, all rentals should be treated the same. Having a nanny in a home is not a rental because the homeowner sought out the nanny for their services; the nanny did not approach the homeowner for a room in exchange for watching the children.

Councilman Teaford stated the intent of the council years ago was for the Rental Ordinance to cover what is being revised today. A clerical error occurred that was not intentional. This revision simply is a correction, not a major change to the Ordinance itself.

A roll call vote was taken:

Councilwoman Davis – Yay
Councilwoman Greer – Yay
Councilwoman Rademaker – Yay
Councilwoman Spencer – Yay
Councilman Teaford – Yay
Councilwoman Theiler – Yay

The Rental Ordinance Revision thereby passed unanimously and will become law in 10 days.

NEW BUSINESS:

In honor of **Marianne Rademaker's** 18 years of service to the City of Windy Hills by serving on the Council as well as various committees, Mayor Roberts read and presented the following Official Proclamation:

A

Proclamation

Honoring

Marianne E. Rademaker

Councilwoman (2007 - 2024)

WHEREAS, Councilwoman Marianne E. Rademaker has dedicated eighteen years of unwavering service to the City of Windy Hills; and

WHEREAS, during her tenure, Councilwoman Rademaker has been a tireless advocate for the citizens of Windy Hills, consistently prioritizing their needs and concerns; and

WHEREAS, her insightful leadership, sound judgment, and unwavering commitment to public service have significantly contributed to the growth and prosperity of our city; and

WHEREAS, Councilwoman Rademaker's passion for community development has led to numerous initiatives that have enhanced the quality of life for all residents; and

WHEREAS, as Councilwoman Rademaker retires, we express our deepest gratitude for her invaluable contributions and selfless dedication to our city;

NOW, THEREFORE, BE IT RESOLVED, that the City of Windy Hills does, on this date, December 9th, in the year 2024, hereby honor and commend Councilwoman Marianne Rademaker for her eighteen years of exemplary service to our community; and

BE IT FURTHER RESOLVED, that we establish July 10th, her birthday, as Councilwoman Marianne Rademaker Day in The City of Windy Hills and dedicate a tree on the Green in her honor; and

BE IT FURTHER RESOLVED, that we wish Councilwoman Rademaker all the best in her well-deserved retirement, and we look forward to her continued involvement in our community.

All in attendance applauded this grand accomplishment! The Official signed Proclamation will be kept in City Hall and an unsigned copy will be placed on the website.

Mayor Roberts then acknowledged incoming Councilmember, Paul Morris, who was in attendance at the meeting.

The next order of business was the Swearing In of the Councilmembers by City Attorney, Tim Mayer. The 2025 councilmembers all stood for the Swearing In. It was noted that while the Oath of Office will take place today, the term begins January 1, 2025.

The Official Oath:

OATH OF OFFICE I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Council Member of the City of Windy Hills according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

COMMENTS/QUESTIONS TO THE COUNCIL AS A WHOLE: None

There being no further business to address nor questions to answer of the Council, **Councilwoman Davis** made a motion to adjourn, seconded by **Councilman Teaford**. The motion passed and the meeting was officially adjourned at 7:37PM.

Dr. John Roberts, Mayor

Christine Haner, Clerk/Treasurer