

**Meeting 638 minutes
August 19, 2015**

Mayor Irvin T. "Butch" Callery called the August 19th, 2015 City of Villa Hills Council meeting #638 to order at 6:30 p.m. at the Dennis M. Stein Municipal Building, 719 Rogers Road, Villa Hills, Kentucky. Mr. Kilburn gave the prayer. Mayor Callery led the Pledge of Allegiance.

Those in attendance:

Mayor Butch Callery
G. Bruns
G. Kilburn
M. Koenig
S. Ringo
J. Vaden
G. Waugaman

Lee Metzger, Assistant City Attorney
Craig T. Bohman, City Administrator/Clerk
Chief of Police Bryan Allen
Dave Whitacre, City Engineer
Buck Yelton, Public Works Director

A quorum was present.

Mayor Callery invited Chief Wendt to the podium.

- Mr. Ringo introduced Fire Chief Wendt and stated that the Fire Authority Board asked him to be at both Villa Hills and Crescent Springs Council meetings to talk about good news. Chief Wendt reported that the recently concluded audit of the department by its liability insurance carrier found no recommendations to report and that department was doing everything it should be doing in regards to maintenance. Chief Wendt thanked the volunteers for all the great work they perform on behalf of both of the cities.
- Chief Wendt reported that the past month had been difficult for the department due to a large number of overdose calls. He thanked Villa Hills for funding Advanced Life Support at the department and that doing so was saving lives. Chief Wendt noted that a video of department reversing an overdose was being used as a training video example at a local hospital.
- Mr. Ringo mentioned several recent overdose cases and chief Wendt provided additional details, explaining the efforts of fire department staff to save lives.
- Ms. Vaden thanked the Fire Department for attending Safety night and participating in the event. Chief Wendt congratulated Chief Allen on a job well done.
- Mr. Bohman asked if the insurance company referred to was related to ISO. Chief said it was not, it was the department's insurance carrier and for them not

to have any recommendations was unheard of. He said that the department's EMS records are amazing and that was a reflection of the work of his EMS Director Amy Reis.

With no further questions or comments for Chief Wendt, the meeting proceeded to the approval of minutes.

A motion was made to approve the minutes of meeting #637 by Mr. Kilburn, seconded by Ms. Koenig. Mr. Bruns sought a clarification which was answered by Mr. Waugaman. A voice vote was taken, all in favor.

A motion was made to approve the minutes of special meeting 7/29. Motion made by Mr. Ringo, seconded by Mr. Waugaman. A voice vote was taken, all in favor.

The next item on the agenda was legislation.

Legislation:

- Mr. Metzger gave a second reading to draft ordinance 2015-K updating the City's Code of Ethics. Mr. Kilburn made the motion to approve, seconded by Mr. Ringo. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	aye	Mr. Waugaman	aye

Motion carried 6-0. This will become Ordinance 2015-11.

- Mr. Metzger gave a first reading to draft ordinance 2015-L setting the 2015 property tax rates. Mr. Bohman explained that the proposed rate in the ordinance was the compensating rate, which happened to be the same real property rate as last year (.214 per \$100). He noted that the budget did not contain a property tax increase therefore, the compensating rate is being recommended. He informed Council that they had just enough time to consider an increase at the caucus meeting but he would have to know right now so he could get the required public hearing notices in the paper within 7 to 21 days of the proposed public hearing. No member of Council asked for the public hearing to take more than the compensating rate. Ms. Koenig noted the draft addresses what happens with the penalty if November 30th falls on a non-business day. Mr. Bohman replied that the deadline to pay then becomes the next business day.
- Mr. Metzger gave a first reading to draft ordinance 2015-M waste fee adjustment to \$146.88. Mr. Bohman noted that this is the first increase in 4 years and locks in this rate for the next three years. The rate increase is about a quarter per month. He noted that the rate for Villa Hills will then only increase about a quarter per month during a seven year period. Mr. Kilburn noted that this rate is the result of the city joining with several other cities on a joint bid earlier in the year. Ms. Koenig inquired about the tote rental cost, Mr. Bohman described the two tote rental fees contained in the contract and the need to set up a specific time to offer the reduced garbage tote rate in conjunction with residents volunteering to replace their red recycling bins with recycling totes.

- Mr. Metzger gave a first reading to draft ordinance 2015-N. Prohibiting door-to-door solicitation between the hours of 7:30 p.m. and 10:00 a.m. Mayor Callery explained that several residents complained this summer about aggressive door-to-door solicitors who continued to knock late into the evening and early in the morning. Mr. Ringo inquired about the process to obtain the no knock list. Mr. Bohman explained that salespeople had to come to the city first to show their occupational license and get the list from the city. Discussion followed.
- Mr. Kilburn made a motion to approve draft Municipal Order 2015-J Declaring a public works pick-up truck surplus property, seconded by Mr. Bruns. A voice vote was taken, all in favor.

This will become Municipal Order 2015-9

Committee Reports:

Police:

- Chief Allen complimented the Fire Department for the great work they do.
- Chief Allen described discrepancies in burglary numbers, reducing the number reported from 3 to 1. Calls show up as dispatched, in this case burglary in progress, but upon investigation two turned out to be something else and the calls were not changed in the system.
- Chief Allen explained vacation checks in Crescent Springs is for a residence on the border with Crescent Springs and the CAD system loads that address in the neighboring city.
- Thefts are up. Chief Allen strongly informed residents not to leave valuables in view in unlocked cars with keys in them. He urged residents to take more personal responsibility to deter crime. The Department is working several cases.
- Chief Allen explained the various crime and citation maps. He also noted the Construction Area issues. Chief Allen noted 27 hours of OT used and 66 calls outside the city.
- Chief Allen declared safety night a success. He thanked Council, the Mayor and citizens for coming out. A lot of hard work and selfless donations went into the event. Chief Allen thanked Chief Wendt and the Fire Department for the bring the fire apparatus and the smoke house; Sheriff Korzenborn for the SWAT team, the K-9, and his historic police car, Paul from Ameristop for donating food; Jumpzone in Florence, Crescent Springs McDonalds, Mellow Mushroom, and the Newport Aquarium for door prizes; Chef Brian from Madonna Manor who spiced up the hotdogs, and the Kentucky National Guard 238th Aviation Battalion (Joe Krull's brother is a member of the unit). He also thanked Councilmember Vaden and the crew at Aircare for participating. Chief Allen thanked several people for going above and beyond: Joe Krull, Dennis Sparks, Mel Wright, Kens Towing, and Bob Starks from the City of Covington for getting the bike helmets. Mr. Bruns noted over 93 bike helmets were given away at the event.

Safety:

- Mr. Bruns gave the safety committee report.
- The Committee discussed the construction traffic safety issues on Buttermilk, if the city has a curfew (it does not), safety night, drug issues, and body cameras and the possibility of getting a grant and a reduced price for joining with other cities to purchase them.

- Mr. Bruns asked Chief to explain where the department was on carrying Narcan. Chief Allen explained that the city was still in the decision making process on whether to carry Narcan. He noted that money is still being determined to purchase the drug and conversations with Chief Wendt about carrying the drug continue. Chief Allen noted that Chief Wendt prefers the paramedics to carry the drug due to fighting reactions that occur upon revival and the costs of purchasing the drug. Chief Allen said a decision has not been made and he is 50/50 without a solid argument either way regarding having officers carry Narcan since the squad arrives very shortly afterward. Mr. Ringo asked about the percentage of runs the police arrive first where carrying would Narcan would be a benefit. Chief Allen responded that unless the squad is tied up on another run, there is not a big time difference. Ms. Vaden noted that two minutes for a person is not breathing is vital. Chef Allen noted that the protocol is to start CPR first and dispense Narcan only if they are told that drugs is involved. Mr. Bruns noted that few people who overdose admit they were on drugs. He wanted Council to be aware of the issue and was relying on the Chief's expertise. Discussion followed. Mr. Kilburn asked if overdose victims are referred to the legal system. Chief Allen explained recent changes in the law that provide a Good Samaritan exemption from persecution and Mr. Bruns explained that St. Elizabeth with invite patients to join a drug treatment program. Chief Allen described a conversation with the County Attorney about getting individuals into treatment if they are a danger to themselves. Discussion followed.
- Next meeting is September 8th at 6:30 p.m.

City Engineer:

- City Engineer David Whitacre reported that it was a very frustrating year. The spring was a very wet spring. Contractors are so far behind that they are full for the rest of the year without the ability to take on additional projects. Orchid, Lillian and Windgate need immediate work but no contractors are available to bid the work.
- Mr. Whitacre reported that the Niewahner Island Intersection will take 10 to 14 days to finish weather permitting.
- Mayor Callery stated that the city will get an earlier start next year by getting bids at the end of the year. Mr. Whitacre noted that contractor have told him that more work was bid this year than has been in recent years and the weather put them all behind. Most say they may not finish all the bid work before winter.
- Mr. Kilburn indicated that he wants bids out in October or November. Mr. Whitacre replied cannot bid asphalt until spring but can bid anticipated concrete work.
- Mr. Waugaman asked about scheduling contracting if vendors are so backlogged. Mr. Whitacre replied that his bids allow the contractors to tell us when they can get to the work so they can schedule our work around their other work to avoid being charged a premium to have the work completed when we want it done. Contractors tell us when they get to the project as long as weather cooperates.

Public Works:

- Mr. Kilburn noted that the meeting was a special meeting and the committee discussed the Niewahner island relocation and that the Garden Club working on new island restoration.

- Mr. Kilburn described the financial situation of the funds available and the current amount of incurred obligations. The city has discussed crack sealing this fall and performing concrete repair work on the Orchid cul-de-sac. He also noted that the city continues to receive calls from areas like Palomino, Stonewood, and others regarding drainage issues and the use of directional boring. Lillian is being evaluated for an asphalt overlay.
- Mr. Kilburn reported that the reported committee discussed the placement of a salt garage within the Public works yard.
- The next meeting is Wednesday September 9th.
- Mr. Yelton reported that directional boring is being evaluated to address drainage issues before winter to avoid icing problems and installing irrigation and electric on the new Niewahner Island. He is meeting with a contractor to discuss the costs.
- Mr. Yelton reported that he has been spending a lot of time with the city engineer working on the road study and the sidewalk program and patching pot holes.
- Mr. Yelton reported that Lillian Court would cost \$16,900 to overlay with asphalt.
- Mr. Yelton informed Council that the public works staff is receiving training to finish up their Road Master and Road Scholar certifications.
- Mr. Ringo asked Mr. Yelton to clarify what was being done with directional boring. Mr. Yelton responded that directional boring would allow for the installation of 2" drainage lines to tie sump pumps into inlet boxes to keep the discharge off the street. Mr. Whitacre noted that placing several sump pumps into a single line to an inlet box was potentially cheaper than cutting across and replacing driveway aprons which is expensive.

Events and Beautification:

- Ms. Koenig reported that the fall city wide yard sale is September 25th and 26th. Call the city to sign up by September 22nd.
- The Senior Bingo will be October 8th at 11:30 a.m. at the Civic Club.
- Christmas in the Park is December 5th. Ms. Vaden and Ms. Koenig attend the 1st meeting. Volunteers are welcome.
- The next committee meeting is the first Monday in October. The September meeting was cancelled due to Labor Day.

Finance:

- Mr. Waugaman gave the Finance Committee report.
- Mr. Waugaman reported that John Chamberlain from Van Gorder Walker presented the draft audit report to the committee and a full report would be presented to the Council and the Public at the September 16th meeting.
- Mr. Waugaman reported that the committee's questions were addressed by the City Administrator/Clerk.
- The committee reviewed the results of the recent Bank Bids, recommended Heritage Bank which will allow residents to pay at the local branch in Crescent Springs and have the lockbox located locally.
- Mr. Waugaman reported that the committee recommended approval of the July financials without redaction and to have them published on the city's website.
- The next Finance Committee meeting will be September 14th at 7:00 p.m.
- Mr. Kilburn made a motion to approve the July financial statements, seconded by Mr. Bruns. A voice vote was held all in favor.

Administration:

- Ms. Vaden no quorum but stayed and discussed legislation presented during the Council meeting.
- Ms. Vaden explained that the city turned over delinquent vehicle sticker fees to a collection agency and the contract does not allow the city to negotiate down the penalties and how staff was dealing with residents who called about the fees.
- Ms. Vaden reported that everything else is going as expected.

Recreation:

- Mr. Ringo reported that the Recreation Committee met last Thursday. Will finish the drain installation project at Villa will be completed by late October. Also discussed the field maintenance and aeration schedule required by the contracts to use the fields.
- The committee discussed the water line issue at Franzen. Mr. Bruns I reported that the city will split the cost of installing a new line with Civic Club. Estimated cost to the city is \$1,400 or less. Mr. Ringo suggested that savings in the purchase of the fencing at Villa could be used to cover the city's portion.
- Mr. Ringo asked Mr. Bohman to post the filed draw scheduled for Thursday December 10th on the website.
- Next meeting is the second Thursday in September.
- Mr. Bruns inquired about the dumpster at the concession stand. He noted that the Civic Club has asked for it to be replaced. Mr. Bohman reported that the request has already been made to Rumpke to replace the dumpster since its bottom has rusted out but does not know when Rumpke will bring the replacement.
- Ms. Koenig inquired if the waterline is the same one with the leak. Mr. Bruns replied that the line being replaced is the one with the leak and it is so old that it needs to be replaced. Mr. Waugaman noted the existing line is probably under the access road to the fields. Mr. Bohman asked if the lines serve the restrooms and Mr. Bruns responded that it did. Ms. Koenig inquired if the fact that Franzen Field was private property would create an issue. Mr. Bohman replied that legal should review the issue but since the city had a lease for the fields and the water line served the restrooms that the question of public purpose would be satisfied. Discussion followed. Mr. Bruns volunteered to help install the line. It would be a three day or shorter project.

Fire Authority:

- Mr. Ringo presented the Fire Authority report.
- Mr. Ringo reported the monthly run numbers.
- Mr. Ringo noted that all apparatus back in service after several being out of service over the last month.
- Mr. Ringo informed Council that the Fire Authority continues to work with the County to billing subscriptions for unincorporated on the tax bills.
- Mr. Ringo informed Council that the number of hydrants to be replaced increased from 13 to 14. He informed Mr. Bohman that Chief Wendt believes the increased cost is within the amount budgeted by the City. Mr. Bruns explained the need to replace obsolete hydrants.
- Mr. Ringo noted that Chief Wendt has mentioned difficulties with some police departments being difficult to work with when a crime scene is involved, in essence accusing the fire department of messing up the crime scene. He inquired

of Chief Allen about the VHPD protocol to crime scenes and providing medical assistance while conducting investigations while noting that Chief Wendt has never said he has difficulties with VHPD. Chief Allen responded that the first need is to save a life while preserving as much of the crime scene as possible. Mr. Bruns noted that the Fire Department has been asked by other departments to stage for up to 10 minutes while waiting for an officer to respond which threatens the life of those who need help. Discussion followed regarding making scenes safe for first responders. Chief Allen noted that while the life saving measures are underway, police may be taking photographic evidence. Mr. Bruns responded that all fire department staff receive training in evidence preservation.

- Next meeting is September 20th at the fire house.
- Ms. Vaden inquired of Mr. Ringo if he had copies of the inter-local agreement. Mr. Ringo said he would e-mail it to Ms. Vaden.

City Attorney:

- Assistant City Lee Metzger had nothing to report.

City Administrator Clerk:

- City Administrator/Clerk Bohman described the effort to collect delinquent vehicle sticker fees and the contract Pioneer. He noted that Pioneer has collected \$3,000 from 25 individuals and cleared 36 accounts due to proof of prior payments or recipients were able to show they lived outside the city for the full 12 months with leases or mortgage agreements.
- Mr. Kilburn requested Mr. Bohman add the report of local tax rates to the website which shows Villa Hills in the lower tier currently and then moving up to the middle with the proposed changes. Mr. Bohman said he would.

Mayor's Report:

- Mayor Callery discussed the Mayors Group presentation given by the NKY task force on Drug policy. He said it was a great presentation. Mayor Callery said he will invite them to a future meeting.
- Mayor Callery discussed the new SD1 sewer lateral program. He noted that the new program requirements say that the resident is responsible to get the line scoped with video to determine the location of the break, then SD1 would replace that portion of the line in the right of way and back fill it with flowable fill then it would be the responsibility of the homeowner to replace the street in a manner acceptable to the city. Discussion followed regarding the new requirements of the program and concerns of using public funds on private laterals. Mr. Kilburn suggested that an Attorney-General's opinion on issue be sought. More discussion followed. Consensus emerged to seek to have the previous program rules reinstated. Additional discussion followed on the funding of the program by SD1.

Old Business/New Business:

Old business:

- Mr. Bohman reported on the status of the Parking regulations and the encroachment ordinance, noting their status was unchanged from last meeting. Mr. Bohman indicated that Mr. Whitacre will have the drawings ready soon. Mr. Bohman asked Council to approve the tax rate and the waste fee at the upcoming Caucus on September 9th so staff would have an extra week to

prepare and get the tax bills out before the October 1st due date. Council agrees Mayor Callery noted that part of the reason that the administration fell behind was staff needed to respond to a discovery request from retirement systems that took three days to compile.

- Mr. Steve Ruebusch interrupted the meeting to say he had old business. Mayor Callery informed Mr. Ruebusch that the public comment section was coming up at the end of the agenda. Mr. Ruebusch stated that this was not the case when he was on Council. Mayor Callery stated that the City finish its business first.

New Business:

- Mr. Kilburn thanked Mr. Bohman, Mr. Waugaman, and Mr. Bruns for researching the insurance premium tax issue for a resident to explained the additional fee that insurance companies can add on to collect the city's insurance premium tax. The fee can be 2% of the premium or 15%. All the city receives is 7%. Mr. Ringo noted that this is another reason to support the road tax on the property tax bill. Mr. Kilburn noted that the Legislative Caucus should push to have insurance companies list this fee separately on insurance bills. Mr. Waugaman noted that not every insurance company takes the processing fee so residents would have to check their insurance bills to see if their company takes the processing fee.
- Mr. Kilburn made the motion to approve draft Resolution 2015-L awarding banking services contract to Heritage Bank and authorizing the Mayor, Mr. Bohman and Chief Allen as signers on the account, seconded by Mr. Waugaman. A roll call vote was taken as follows:

Mr. Bruns	aye	Mr. Ringo	aye
Mr. Kilburn	aye	Ms. Vaden	aye
Ms. Koenig	aye	Mr. Waugaman	aye

This will become Resolution 2015-12

There being no further old or new business, the meeting proceeded to general announcements and public comments

General Announcements

- Mr. Bruns encouraged residents to join the Civic Club. He announced the new website www.villahillsc.com. He noted that membership is \$25 per year. The Civic Club is a great organization
- Mr. Kilburn asked his colleague to be thinking of ideas to pass along to local legislators for the next General Assembly session.
- Ms. Koenig brought Council's attention to the newspaper story about a drone being shot down and inquired if we need a local ordinance. Discussion followed. Mr. Ringo said federal issues may preempt any local ordinances. Additional discussion followed.
- Mr. Ringo inquired about when the Niewahner intersection project will be finished. Mr. Whitacre replied two weeks.
- Ms. Vaden thanked Chief Allen and the PD for helping with the first day of school.
- Mr. Waugaman announced a group is working on presentation on the road program and the ballot question. Mr. Ringo noted that the hope is to use the October Council meeting for the presentation on the ballot question.

- Mr. Kilburn reported that a possibility to get a grant for a sidewalk on short Amsterdam. He noted that the sidewalk would extend the whole road. The project would tie in all the sidewalks in the local area into a single system. Mr. Bohman noted that a resolution supporting the grant would be needed.

Public Comments

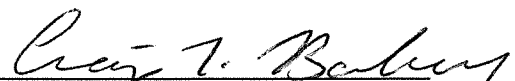
- Mr. Steve Ruebusch – 2566 Buttermilk addressed the Mayor and Council about being reimbursed \$834 for his purchase of surveillance cameras and for the fine assessed by the Kenton County Code Enforcement Board. Mr. Ruebusch accused City Administrator/Clerk Bohman of filing a false accident report which resulted in the fine. Mayor Callery asked if the city told him to install the cameras. Mr. Ruebusch responded no. Mayor Callery then said the cameras were his responsibility. Mr. Ruebusch that the city could hire a police officer to patrol Buttermilk for the \$61,000 they city pays Mr. Bohman. He stated the city is ignoring his complaints about excessive speeding on Buttermilk Pike and the condition of the road. Mayor Callery asked Chief Allen to report on the speed study conducted on Buttermilk. Chief reported the speeding stats showing the average speed in front of Mr. Ruebusch’s house is 28 MPH in a 35 MPH zone. Mr. Kilburn expressed displeasure with Mr. Ruebusch’s accusations about Mr. Bohman and the road conditions because Mr. Whitacre, the Mayor and Mr. Bohman obtained a grant to pay half of the cost of bringing Buttermilk Pike up to modern standards. Mr. Kilburn thanked Mr. Bohman, Mayor Callery and Mr. Whitacre for getting the grant which will pay off for citizens for years to come. Mr. Bohman noted that there was never an accident report filed on Mr. Ruebusch, but that complaints had made regarding a non-permitted sign type which was turned over to PDS for investigation. He was cited and appealed and the Code Board determined a violation had occurred. Mr. Ruebusch had received due process. Mr. Kilburn again thanked Mr. Bohman, the Mayor, and Mr. Whitacre again for their work on the Buttermilk Pike grant and noted that that the grant frees up money to spend in other areas of the city.

There was no executive session.

With there being no further discussion, Mr. Bruns made a motion to adjourn, seconded by Mr. Kilburn. Motion carried by voice vote, all in favor.

Time of adjournment was 8:14 p.m.

Respectfully submitted,


Craig T. Bohman, City Administrator/Clerk


Irvin T. "Butch" Callery, Mayor