



**Meeting 649 Minutes
July 20, 2016**

Mayor Irvin T. "Butch" Callery called the July 20, 2016 City of Villa Hills Council meeting #649 to order at 6:30 p.m. at the Dennis M. Stein Municipal Building, 719 Rogers Road, Villa Hills, Kentucky. Greg Kilburn gave the prayer and Mayor Callery led the Pledge of Allegiance. Mayor Callery asked City Administrator/Clerk Craig Bohman to take the roll. Those in attendance:

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

Mary Ann Stewart, City Attorney
Craig T. Bohman, City Administrator/Clerk
Dave Whitaker, City Engineer
Chief of Police Bryan Allen
Buck Yelton, Public Works Director

A quorum was present.

A motion was made by Mr. Bruns, seconded by Mr. Kilburn to approve the minutes of meeting #648. Motion carried by voice vote, all in favor.

Presentations:

Mayor Callery welcomed Kenton County Judge-Executive Kris Knochelmann and his staff.

- Judge-Executive Knochelmann gave a presentation on radio system update. He noted that the age of radio equipment used for dispatching (not the software) is decades and decades old and replacement equipment and parts are no longer available. Judge Knochelmann reported that the dispatch software needs special patches to operate with existing radio equipment. He introduced County Administrator Joe Shriver to provide additional information.
- Mr. Shriver discussed the consultant (Trodd) report that indicated 7 of 9 radio facilities have reached the end of their useful life. He reported that the County could purchase new analog equipment for \$5 million or upgrade to digital 800 Megahertz system for \$5.6 million. Mr. Shriver noted that the Federal government is looking at another transition to narrow-banding which could require the move to digital regardless. He reported that the Fiscal Court made the decision to move forward with a digital system in 2015. Mr. Shriver noted that the cost estimate provided to cities and special districts on new equipment is based on the "off the shelf" price w/o discounts for ordering in bulk or offset by

grant dollars. He described the RFP process and noted that the County is making many efforts to find the most economical manner to get the new system in place. Mr. Shriver estimated that it would take until mid-2018 to build and convert the radio system to digital.

- Mr. Kilburn asked about lifespan of new 800 MHZ digital system as the technology has been in place since the 1970's. Mr. Shriver said with the new 800 MHGZ system programing upgrades would be easier since the radios are software based and would not need to be sent in to be reprogramed. Mr. Waugaman commented that this would be like the cell phone conversion from analog to digital a few years ago.
- Mr. Kilburn asked if the individual transmissions units would be independent of each other and be able to function if the main processor was down or if parts of the system were compromised. A Fiscal Court staffer replied that the towers could operate independently of the core server but would lose some functionality. Mr. Kilburn followed up inquiring if the new system would meet the standard the Kentucky State Police would like. Mr. Steve Hensley, Kenton County Emergency Management Director, replied that the County had meet with the State Police and they encouraged the conversion to the 800 MHZ system.
- Mr. Waugaman asked about Erlanger's dispatch system. Judge Knochelmann replied that Erlanger will convert over to digital radios. Mr. Waugaman asked a follow-up question regarding how this would affect the dispatching of the Fire Department. Mr. Ringo commented that Erlanger maintaining separate dispatch causes difficulty for Villa Hills and Crescent Springs because the Fire Department has to make log every call twice, once to each dispatch center. Judge Knochelmann clarified that he was only discussing new radio equipment. He indicated that discussions about merging dispatch centers across the region would restart after the radio upgrade. The Judge noted that the county would not entertain the effort to merge with another center while the radio conversion was taking place over the next two years. He noted that Erlanger has a great dispatch center that works for them and their system cash flows with the fees they have in place. Judge Knochelmann indicated ultimately he would like a regional dispatch center.
- Judge Knochelmann gave examples of having to cannibalize older systems for parts as they are shut down across the country. He expressed hope for the 3 counties (Boone, Campbell and Kenton) to join together into a single system. He noted that other agencies like public works, SD1, and schools can join the new digital system.
- Discussion followed on creating a regional system and being able to talk to Hamilton Ohio Dispatch and Cincinnati Police Department.
- Mayor Callery asked about the proposed funding. Judge Knochelmann stated that the County is looking at financing options and gave cities and fire districts 2 years notice in order to plan for the purchase.

Legislation:

- **1st reading and discussion of Draft Ordinance 2016-F Amend the Non-Civil Service pay and classification schedule.**
Ms. Stewart gave a first reading to draft Ordinance 2016-F noting the addition and deletion of several positions. Mr. Kilburn clarified that Chief Allen recommended the changes in the rank structure of the Police Department. Mr. Bohman reminded Council that this had been discussed at the caucus meeting.

- **1st Reading and discussion of Draft Ordinance 2016-G Board of Adjustment regular schedule.**

Ms. Stewart gave a first reading to draft Ordinance 2016-G setting the schedule for the regular meetings of the board of adjustment Board of Adjustment.

- **Discussion of Draft Ordinance 2016-H Curfew for persons under the age of 18.**

- Ms. Stewart presented the draft for discussion.
- Mr. Kilburn inquired who requested that a curfew be put into place. Chief Allen replied that police department did.
- Mr. Kilburn asked about Friday not being on the curfew list. Mr. Bohman responded that Friday's curfew is from 12:01 a.m. to 6:00 a.m. Saturday morning.
- Mr. Kilburn asked about what kind of legislative record needs to be built in order for a curfew to survive court scrutiny. Ms. Stewart replied that the standard of scrutiny does involve equal protection issues, but not a suspect class, so the standard would be if the city has a reasonable basis for adopting the curfew and evidence for that reasonable basis. She noted the city needs to show that minors are contributing to the crime in the area and noted that some cities have shown that minors are the victims of crimes that occur during the overnight hours.
- Mr. Ringo noted that when Mayor Callery gave council the Dallas court ruling, the judges noted that the Dallas ordinance cited crime statistics. He asked about what statistics the city has on juvenile crime. Chief Allen replied that he could pull from Dispatch the calls that have been received.

Mr. Waugaman asked how big an issue juvenile crime was in the city. Chief Allen explained that it is not a big issue now, but the department is seeing an increase in juvenile crime and would like a curfew to be used as a tool to prevent juvenile crime from becoming a problem. Chief Allen gave several examples of recent mischief and property damage by juveniles. Discussion followed.

- Mr. Ringo asked about not being able to stop juveniles now. Chief Allen replied that under current laws and court actions, he must be able to articulate a reasonable suspicion reason for stopping anyone and asking questions. Ms. Stewart reiterated that the Police must have a reasonable suspicion to stop and question juveniles. She noted if a curfew was in place, violating the curfew would provide that reasonable suspicion. Mr. Ringo clarified that the police cannot just pull up to a group of kids and say hello. Chief Allen replied that would be all the officers could do. Chief Allen pointed out that without the curfew they could not ask where the juveniles were going, who they were, or other questions. Discussion and questions followed about the past practice of police questioning juveniles.
- Mr. Bruns inquired if curfew violations were status offences. Ms. Stewart replied that the court has ruled that curfews are outside the Administration Office of the Court's jurisdiction and cannot be enforced by the court under the Unified Juvenile Act, therefore most cities create curfew violations as civil offences. Discussion followed.
- Mr. Waugaman questioned who was going to set the fines if curfew violations could not go to court. Ms. Stewart replied that a board would be set up to review appeals of curfew citations. Mr. Bohman noted that the officer could set the citation amount which could then be appeals to the review board.

- Mr. Kilburn suggested the need to have stats available before passage and have these numbers in the record when adopting this ordinance. Ms. Stewart noted that other cities had statistical numbers as a part of their records. Mr. Kilburn stated that the city must be able to have a record available to justify the ordinance.
- Mr. Waugaman asked if the city would have to show up in court with an attorney if an appeal of the review board's decision was made. Ms. Stewart answered affirmatively.
- Ms. Koenig noted that the Chief cannot stop and question juveniles and gave examples of recent vandalism and mischief calls. Mr. Ringo noted that a curfew would not help solve crimes. Mr. Kilburn noted that a curfew would give the police probable cause to question a juvenile out on the street when an incident occurs. Chief Allen replied that police work helps solve the crime but curfew gives a reason to engage a juvenile and ask question. Chief Allen described several examples of parents threatening to sue for lack of probable cause or custodial interference for police questioning juveniles. Chief noted that the curfew is a tool to help prevent issues. He gave examples of recent juvenile mischief and vandalism, including a case involving drug use. Chief Allen described the manner of enforcement would be similar to that of traffic tickets, where most stops result in warnings or courtesy notices. Mr. Waugaman noted that he wants to give the police department all the tools they need to do their job but that but expressed concerns about legal costs and lawsuits.
- Mayor Callery asked Chief to compile juvenile crime statistics.
- Ms. Koenig mentioned that there was a curfew in the 1990's and stated it must have been repealed. She inquired of Ms. Stewart if cities that passed a curfew saw reductions in crimes related to juveniles. Ms. Stewart indicated that she did not have that information. Discussion followed on holding a first reading.
- Mr. Ringo inquired of Mr. Bohman if there is a record of the repeal of the curfew from the 1990s. Mr. Bohman stated that the ordinance books were in Frankfort being filmed and digitized and were not accessible until they are returned by the Department of Libraries and Archives. Discussion followed.
- Mr. Kilburn stated that society has changed and nowadays there are predators that target juveniles, and that society is much more security conscious and focused than in the past which could result in harm to minors for actions that in the past would have been deemed as pranks. He asked to have a first reading of Ordinance 2016-H. Ms. Koenig seconded. Mayor Callery asked if there was any other discussion. There was no further discussion.
- **1st Reading of Draft Ordinance 2016-H Curfew**
Ms. Stewart gave a first reading to draft Ordinance 2016-H creating a curfew for persons under the age of 18. Mayor Callery thanked everyone for a good discussion.
- **M.O. 2016-G Surplus property: Police badges**
Ms. Vaden inquired about the change from one badge to various badges. Mr. Bohman noted that housecleaning had discovered about a dozen badges no longer used by the department. Ms. Koenig questioned why the motion would allow the badges to be sold. Mr. Bohman replied that new surplus property rules require items to be sold at fair market value. He noted retiring officers typically would like their badge, but the city could no longer give them away as they had

in the past. He noted that the order gives the Chief the discretion to sell or dispose of the badges. Mr. Kilburn made a motion, seconded by Mr. Bruns for approval. Motion carried by voice vote all in favor.

Committee Reports:

Mayor Callery asked the City Engineer to give his report first. Mr. Whitacre described the various bids that were let and received. After hearing from the City Engineer Council considered the following resolutions:

- **Res. 2016-I – Joint Crack Sealing for an amount up to \$100,000** Riegler was the lowest bidder at \$2.14 per pound. Motion made by Mr. Kilburn, seconded by Mr. Waugaman to accept the bid. Motion carried by voice vote all in favor.
- **Res. 2016-H – Concrete Panel Replacement up to \$100,000** L&S Construction was the lowest bidder at \$45.45 per square yard. Mr. Waugaman asked about how the bid compared to other bids. Mr. Whitacre explained the cost of panel replacement is higher than panel replacement as a part of other road projects because it is piecemeal work. Motion made by Mr. Kilburn, seconded by Mr. Bruns to accept the bid. Motion carried by voice vote all in favor.
- **Res. 2016-J – Asphalt paving project** – Riegler Blacktop was the lowest bidder at \$171,283.15. Discussion followed about using the \$78,000 remaining from the budgeted engineer's estimate to add streets. Ms. Vaden requested that notices be sent out. Discussion followed about giving 2 week notice and the difference in time needed to complete projects between concrete and asphalt work. Motion made by Mr. Kilburn, seconded by Mr. Bruns to accept the bid. Motion carried by voice vote all in favor.

Police:

- Chief Allen gave the monthly police report.
- Chief Allen discussed case status summary which had been recently updated to reflect case numbers. He noted that a large portion of the calls are house checks and special area checks.
- Chief Allen discussed the case disposition numbers. He noted that 12 cases closed by arrest. Mr. Kilburn asked about 213 closed cases within the past 6 months. Chief Allen stated that 92% of cases have been closed including cases involving cases determined to be unfounded.
- Mr. Kilburn questioned – clarified about the cost of radios.
- Mr. Bohman clarified that radios are funded in the Capital budget over the next three fiscal years.
- Chief Allen announced that Officer Finan will start next week and that he is looking to hire another officer in a month.
- Chief Allen reported that the department used 40 hours of overtime last month.
- Chief Allen informed the Mayor and Council that the 1st new cruiser is due to arrive in about a week.
- Chief Allen reminded the public that Safety Night is August 3rd at Tom Braun Fields.

- Mr. Bruns asked about surplus vehicles. Chief Allen replied that 3 new cruisers have been ordered and the city is adding 2 of the vehicles being replaced to the vehicle pool.
- Mr. Bruns noted that with 2 vacant officer positions, the use of 40 hours of overtime was not that bad. Ms. Vaden complimented Chief for controlling overtime.
- Ms. Vaden complimented Chief Allen for coming in \$10,000 under budget for the fiscal year.
- Ms. Vaden asked about getting reports on calls from other police departments into the city. Mr. Bruns explained that in order to get that data the chief would have to contact every department in the county individually. He noted that the dispatch system only reports calls assigned to each department and would not report calls passed off to other agencies. Discussion followed.

Safety:

- Mr. Bruns gave the Safety Committee report.
- Mr. Bruns noted that the committee discussed the monthly report, Mr. Profit also asked about calls outside the city and was informed that half of all calls dispatched outside the city get disregarded before the officer arrives on the scene. The committee also discussed that a new officer will be starting soon, that Safety Night was coming up at Tom Braun Fields. Mr. Bruns reported that morale in the department is good despite a few tough calls and that Ms. Vaden complemented the Chief on his budget standing at the meeting.
- The next meeting is August 9th at 6:30 p.m.

Public Works:

- Mr. Kilburn gave the Public Works report.
- Mr. Kilburn reported that the committee reviewed the balances available for road work, discussed the bids that were approved, noted the City Engineer would identify additional work would be identified should bids come in lower than expected, The Committee asked residents to turn off sprinklers during road work on Appleblossom, that staff had met with the KDOT regarding the Valley Trails grant application, that Mr. Yelton reported on various activities and that Mayor Callery would meet with the Civic Club to discuss mutual interests.
- Mr. Yelton reported that the City has 2 good contractors in place that do great work. He informed Council that the panel replacement and crack sealing lists are available and offered to provide the list to Council. Mr. Yelton noted that the department is continuing to work on drainage issues throughout the city.
- Mr. Yelton reported that the dump truck bid came in at \$100,800 and is expected to be ready in six months. He noted that the new utility trailer was in and the city purchased a gator which would be available for events and field maintenance. Mr. Yelton noted that the dog waste cans are in and will be installed after their pads are poured. He reported that extra watering of the fields, landscaping beds and islands is occurring due to the weather.
- Mr. Yelton thanked the Garden Club for their help with the islands and thanked the Fire Department for flushing out some clogged lines on Highwater Road.
- Mr. Kilburn made a motion, seconded by Ms. Koenig to authorize the payment to JPS of \$118,471.55 which is less \$2,000 from the invoice amount to cover punch list items per the City Engineer. Motion carried by voice vote all in favor.

- **Resolution 2016-K Accepting the bid of Fyda Freightliner for a new dump truck.** A motion was made by Mr. Kilburn, seconded by Ms. Koenig. Mr. Waugaman inquired how much the city is saving by going through the manufacturer. Mr. Yelton responded that he did not have the numbers. Mr. Bohman replied that we are going through the manufacturer on a lease purchase to avoid having to pay the full amount in a single fiscal year. He noted that there was not a cost savings like there was buying the cruisers in bulk but the decision to lease the dump truck was a cash flow issue. Mr. Waugaman followed-up asking what the difference was between using the manufacturer or taking a loan out of the bank and paying outright. Mr. Bohman apologized for not having those numbers. Ms. Vaden inquired why there was only one bid. Mr. Bohman replied that it was bid and advertised and only one company responded. Ms. Vaden suggested rebidding the truck, but Mr. Ringo noted that would not be fair to the company that placed by the rules and bid. Mr. Kilburn asked if the administration was satisfied that taking the lease was the best approach to ensure that the city could get the truck and fund the other purchases like the digital radios. Mr. Bohman replied yes and that the city would not be able to pay for the truck without the lease without dipping into reserves. Mr. Ringo noted that all the number discussed were imbedded into the budget and covered. Chief Allen explained the municipal lease process and noted that financing through the manufacturer typically provides better cost saving than through the bank. Mr. Waugaman said he was fine with the lease. With no further questions a voice vote was taken, motion carried all in favor.

Events and Beautification:

- Mrs. Koenig reported that there was no meeting because of July 4th.
- Mrs. Koenig announced a new event, Music Fest, would be held 9/24 at the Crescent Springs Community Park.
- Ms. Koenig announced that Haunted Trails would be held on October 29th.
- Mr. Bohman inquired if a date had been set for the fall yard sale. Ms. Koenig reported that no date set yet.

Finance:

- Mr. Waugaman reported that questions were submitted to City Clerk/Administrator for the June financials, that Mr. Bohman replied to the questions and the answers were reviewed by the Finance Committee and discussed.
- Mr. Waugaman stated that the Finance Committee recommended the June 2016 Financial Statements with adjustments and they be submitted for approval to the Council and published on the City Website.
- Next meeting is August 15th 2016 7:00pm 719 Rogers Road.
- Mr. Kilburn made a motion to approve June financials with the Finance Committee adjustments, seconded by Mr. Ringo. A voice vote was taken, all in favor.

Administration:

- Ms. Vaden gave the Administration Committee report.
- Ms. Vaden stated that the Administration Department stayed in budget for the fiscal year and noted that the committee discussed LED lights for street lights.

- Ms. Vaden reported that the committee reviewed the drafts of the pay and classification and curfew ordinances.
- Ms. Vaden noted that zoning code changes for trailers, campers, RVs and boats was discussed.
- Ms. Vaden reported that the annual staff evaluations are complete and pay increase letters have been distributed.
- Ms. Vaden noted that the next meeting is the same night as Safety Night and will be rescheduled.

Recreation:

- Mr. Ringo gave the Recreation Committee report.
- Mr. Ringo noted that the committee discussion centered on fall baseball and late summer scheduling, addressing field concerns of Spartan football. He noted that there is a lot of interest in using the fields and instructed coaches who want to use a Villa Hills field to contact Tony Krumpleman whose contact information can be found on the city's website.
- Soccer season has begun and the fields are in great shape.
- December 8th has been set as the field draw night for spring baseball and softball. It will be held at 6:30 p.m. in Chambers.
- The August Recreation meeting has been cancelled. The next meeting will be September 8th at 6:30 p.m.

Fire Authority:

- Mr. Ringo presented the Fire Authority Report.
- Mr. Ringo gave the monthly run numbers and noted that the Fire Authority had extended its contract with Van Gorder Walker to conduct its annual audit.
- Mr. Ringo discussed surplus property sales of one 1998 expedition for \$1,800 and a pick-up truck that received no bids through traditional advertising channels with a \$8,000 minimum sold when advertised through Facebook for \$8,700. He urged the city to be creative when selling surplus property.
- Mr. Ringo reported that the EMS squad revived 2 people in the last month and one came by the station three days later to thank the responders.
- Mr. Ringo reported that the Fire Authority has sent invoices with letters to property owners in unincorporated Kenton County that owe subscriptions for fire protection. He described the collection process for
- Next meeting is August 15th 6:00 p.m. at the Firehouse.

City Attorney:

- Ms. Stewart reported that the Municipal City Attorneys of the Bar Association is looking at Code Enforcement update because the recent General Assembly passed legislation that combined the Nuisance and Code Enforcement statutes. She noted that cities now have new options such as using hearing officer. Ms. Stewart stated that Planning and Development Services is working on a Joint Code Enforcement model ordinance. Mr. Waugaman inquired if the law would affect Villa Hills since the city is on the joint board. Ms. Stewart explained that PDS is going recommend some changes on how appeals are represented in court to avoid conflicts of interest and that the law provides new options like using hearing officers. Discussion followed about using a hearing officer vs. a Board followed.
- Ms. Stewart reported that there was no new news on outstanding cases.

City Administrator/Clerk:

- Mr. Bohman gave an update on the status of the Valley Trails grant. He noted that the Kentucky Department of Transportation and the City Engineer had vastly different cost estimates for the project. The reason for the difference is that as a designated collector road, Valley Trails needs to be 4 feet wider for 2 drive lanes and 1 parking lane. The state estimate included widening the road to meet the standards for collector streets. He noted that if federal funds are used for the project, the city must bring the road up to the required standard. Mr. Bohman noted that to widen the road would entail moving utilities and catch basins. This would increase the city's match to the point where it would exceed the cost of replacing the street within its current footprint without grant funds. The only other option to keep the road within the current footprint and meet the standard for collector streets would be to remove parking on Valley Trails. Mr. Bohman indicated that the city will probably withdraw the application. He noted that Buttermilk grant is not affected because Buttermilk does not have parking and the current footprint can meet the collector standard. Mr. Kilburn noted that widening the road would require the city to move buried utilities so it may be necessary to pull the application.

Mayor's Report:

- Mayor Callery noted that a resident called and thanked the City for addressing the drainage issue on Robin Lane.

The next item on the agenda was Old and New Business.

Old Business/New Business:

- There was no old business.
- There was no new business.

General Announcements and Council Comments

- Ms. Vaden asked Chief Allen when he expects to have the commendations for the officers discussed at Safety Committee ready. Chief Allen responded that he hopes to have them ready for next month's meeting.

Public Comments

- None

At 8:38 p.m. a motion was made by Mr. Kilburn and seconded by Mr. Bruns to go into executive session for discussions regarding threatened litigation. Motion carried by voice vote 5-1, Mr. Bruns voted no.

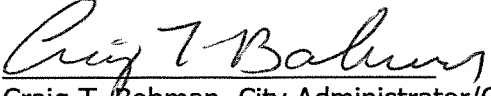
At 9:01 p.m. A motion was made by Ms. Koenig and seconded by Mr. Bruns to leave Executive Session. Motion carried by voice vote all in favor.

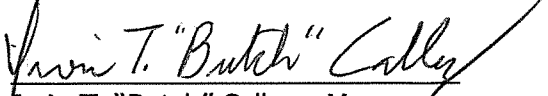
With there being no further business or discussion, Mr. Kilburn made a motion to adjourn, seconded by Mr. Waugaman. Motion carried by voice vote, all in favor.

Time of adjournment was 9:02 p.m.

Respectfully submitted,

Respectfully submitted,


Craig T. Bohman, City Administrator/Clerk


Irvin T. "Butch" Callery, Mayor