



**Meeting 647 Minutes  
May 18, 2016**

Mayor Irvin T. "Butch" Callery called the May 18, 2016 City of Villa Hills Council meeting #647 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.

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. Waugaman to approve the minutes of meeting #646 and the April 22, 2016 Special Meeting. Motion carried by voice vote, all in favor. Ms. Vaden abstained.

**Presentations:**

- Mayor Callery presented retired Administrative Assistant/Finance Clerk Sue Bree a proclamation declaring May 19, 2016 Sue Bree Day in Villa Hills and presented her with a gift of appreciation. Sue Bree thanked the Mayor and staff for twenty-two-and-a-half years of support and friendship.
- Mr. Ringo introduced Chief Wendt. Mr. Ringo explained that increasing maintenance cost have forced the Fire Authority to purchase a new apparatus (pumper/engine) which is proposed to be financed over 12 years. Fire Chief Jeff Wendt was available for questions. No questions were asked.
- Senator Christian McDaniel had not yet arrived for his presentation on the 2016 Regular Session of the Kentucky General Assembly. Mayor Callery proceeded to the next item on the agenda.

The next item on the agenda was legislation.

**Legislation:**

- **Second reading of 2016-D, Budget Amendment for FY 16/17 to add lease proceeds from Heritage Bank and appropriate the funds.**

Ms. Stewart noted that staff recommendation is to hold this item over until the June meeting. Mr. Waugaman inquired if the budget amendment was necessary to pay for the road work underway. Mr. Bohman replied that the Palomino/Windgate/Sunglow project has taken nearly all of the remaining budget available without the lease proceeds and the next project will need to be paid out of lease proceeds.

- **First Reading of 2016-E, Budget Ordinance for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017.**

Ms. Stewart gave a first reading of draft Ordinance 2016-E, the annual budget for Fiscal Year starting July 1, 2016 and ending June 30, 2017. She explained budget changes from draft distributed at the special meeting of April 22, 2016 due to the passage of SB-206 during the regular session of the 2016 Kentucky General Assembly which removed the requirement for cities to pay pension costs on qualified rehired retired police officers. With the first reading complete, Mayor Callery presented his FY2016/2017 budget message.

**Mayor's Budget Message:**

- Mayor Callery presented his updated budget proposal for fiscal year 2016/2017. He noted that the budget proposal is down 4% from the previous year. The budget proposes to keep property taxes the same and lowers the insurance premium tax from 7% to 5%. He announced that the Capital Budget proposal included the purchase of 3 new police cruisers and a new large dump truck for the Public works department, as well as sets aside 1/3 of the amount needed to fund new digital radios for the dispatch conversion for both the police and fire departments. Mayor Callery reported that the passage of SB-206 removes the punitive pension and retiree medical costs of hiring retired police officers, saving about \$45,000. He noted that personnel costs represent only 42% of the city's budget when most jurisdictions spend 70% of their budget on personnel costs. The budget includes a new road fund as a result of the passage of the road tax by voters last fall. Mayor Callery thanked the Council, staff, and the finance committee for their assistance in preparing and managing the city's budget.

**Presentation, continued:**

Upon concluding his budget message, Mayor Callery noted that Senator Christian McDaniel had arrived. He introduced Senator McDaniel. Senator McDaniel gave a legislative update on the recently concluded General Assembly session.

- Senator McDaniel noted that pension and Medicare has grown from 18% of budget in 2008 to 33% in 2016. He noted this will continue to increase as a result of Obamacare and unfunded pension liability. Senator McDaniel described various bills passed by the General Assembly.
- Mr. Kilburn asked about prevailing wage. Senator McDaniel stated that he had a bill to make changes to the existing prevailing wage act but it did not pass. Mr. Waugaman followed-up asking what changes Senator McDaniel proposed to

prevailing wage. Senator McDaniel replied that he tried to make prevailing wage a local option for non-federally funded projects.

- Mayor Callery asked about the current funding level for CERS Senator McDaniel replied that the Non-hazardous system was about 68% funded and the Hazardous system was about 63% funded. Mayor Callery followed up about the Teachers' Retirement System. Senator McDaniel explained the current level of funding for the other state pension systems, efforts by the General Assembly to shore up pensions and the effect of GASB rules on the unfunded liability amount.
- Mr. Waugaman inquired if there was funding available for roads other than Kentucky Municipal Road Aid, what the city could do to get more money for roads. Senator McDaniel discussed the current Road Funding formula (the rule of fifths) and the OKI approval process for road work in Northern Kentucky.
- Ms. Vaden asked Senator McDaniel about installing a traffic light at Dolwick and Crescent Springs Road due already heavy traffic and the forthcoming St. Elizabeth facility on Dolwick. Senator McDaniel replied that a traffic light is needed; however, the new St. Elizabeth facility was not a facility like Edgewood's and would not generate heavy traffic.
- Mr. Kilburn asked Senator McDaniel if he thought legislators from urban areas will band together to force a change in the road funding formula which drastically favors rural areas. Senator McDaniel replied that he did not believe that would occur in the current environment, but perhaps after redistricting.
- Mr. Bohman pointed out that the language in SB-206 relieved cities of the obligation to pay pension costs for qualified rehired retired police officers, but the legislation only referenced cities and it appeared not to include the 3 counties (Kenton, Campbell, and Hardin) that maintain separate Sheriff and County Police Departments. Senator McDaniel stated he would look into that.

With no further questions for Senator McDaniel, the meeting returned to Legislation.

### **Legislation, continued:**

#### **Resolution 2016-G Approval to submit an application for an SNK Grant in the amount of \$520,581 for the Valley Trails reconstruction project from Dalewood to Amsterdam.**

- Mr. Kilburn made a motion, seconded by Mr. Ringo. Mr. Kilburn thanked Mr. Bohman for his work on this grant. Mayor Callery called for a roll call vote 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 Resolution 2016-9.

#### **Municipal Order 2016-E Allow Mayor to enter into contracts with qualified retired police officers per SB-206 after July 15, 2016.**

- Ms. Stewart explained that the provision of SB-206 passed by the 2016 General Assembly allows cities to enter into 1 year renewable contracts with retired police officers without paying pension or retiree healthcare costs. Mr. Ringo asked how this would apply to the city. Ms. Stewart explained that qualified retired police officers hired after July 15, 2016 would be eligible to be brought on as contract

employees. Ms. Vaden asked if it is a deterrent to hiring due to being on a year to year contract. Ms. Stewart noted that contract renews and that the Sheriffs have had this arrangement and that it worked well. Discussion followed about the merits and challenges of contracts and various contract provisions. Mr. Kilburn noted that this arrangement is a win for both the officers and the city.

- Ms. Vaden asked if there was a risk with having 5 officers' contracts expire at once. Ms. Stewart replied that it was unlikely to have five contracts expire at once as most contracted officers would be hired at different times. Mr. Waugaman asked how this would affect the retired officers currently employed by the city. Ms. Stewart replied that it was her opinion that the contracts only applied to new hires going forward. Ms. Koenig made a motion, seconded by Mr. Waugaman. Mayor Callery called for a roll call vote 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 Municipal Order 2016-5.

The next item on the agenda was committee reports.

### **Committee Reports:**

#### **Police:**

- Chief Allen gave the monthly police report.
- Chief Allen reported that last month was quiet due to the poor weather. He noted that the department is working on cases and closing some with charges pending on one new case. He noted 10 hours of overtime was used, 6 hours for range qualification and 4 hours for Court.
- Ms. Koenig asked about the vandalism of cars by breaking windows. Chief Allen noted that the incident was on one day with 3 vehicles in addition to other vehicles with unlocked doors that had items stolen. He stated his belief that the perpetrators are teenagers out to damage property.
- Chief Allen announced that Safety night is August 3<sup>rd</sup> at Tom Braun Field.

#### **Safety:**

- Mr. Bruns gave the Safety Committee report.
- Mr. Bruns reported that the committee discussed restricting parking during construction projects or during certain hours in construction zones and on curves. He noted that University Hospitals Medivac helicopter was requested to participate in Safety Night. Mr. Bruns reported that a bike trailer has been donated by the state but needs work. He announced that Officer Sparks is leaving and that hiring a new officer would begin. Mr. Bruns reported that the budget for the department had been completed.
- Ms. Vaden asked that Chief be involved in determining no parking zones during construction projects. She described traffic and parking difficulties along the detour route around the Valley Trails project. Mr. Kilburn stated that Chief Allen should be involved in the planning of detours and parking restrictions. Mr. Yelton stated TANK, school boards, the Fire Department and the Police Department are informed about road closures. Mr. Bruns noted that streets like Lakeledge or Rex

should be no parking when used as a detour route. Discussion followed. Mr. Kilburn stated that the safety concerns should be addressed. Mr. Waugaman expressed concern about taking away too much parking in construction zones. . Mr. Bruns stated that parking and traffic issues are part of the inconvenience of road construction.

- Mr. Whitacre noted staff could remove parking after a project commences if needed. Additional discussion followed.

#### **City Engineer:**

- Mr. Whitacre presented the City Engineer Report.
- Mr. Whitacre reported that work is going as well as can be expected with the poor weather. He announced that Windgate, Palomino, and Sunglow are complete. Valley Trails is in process and Brookville will begin soon. However he noted that half of the next 10 days are forecast to be wet and wet weather is slowing project time lines. He noted that wet weather and slower project completion times are the price to be paid for starting work earlier in the year in order to get the best rates.
- Mr. Whitacre discussed the Orchard Street subdivision project and its commencement after July 1<sup>st</sup>.
- Mr. Whitacre informed the Mayor and Council that he will get with Mr. Yelton, Mr. Bohman and Mr. Kilburn to plan \$539,000 of asphalt work and when it can be budgeted. He noted that some streets would be delayed due to anticipated water line projects, but hoped to avoid situations like Windgate where delay required more extensive repairs than overlay.
- Mr. Whitacre noted that in order to proceed further with a Salt garage someone at the City would need to work with the Civic Club on locating it nearby. Mr. Bruns offered to make contact with the Club leadership to discuss the issue.
- Mr. Kilburn thanked Buck, Dave, Mayor, and Craig, and contractor for working with residents during Windgate replacement.

#### **Public Works:**

- Mr. Kilburn noted that the Public Works meeting was cancelled. Next meeting is June 8<sup>th</sup> at 1p.m. at 720 Rogers Road.
- Mr. Yelton reported that the Public Works staff worked on daily tasks. He noted that contractor TMS did good job on Palomino, Sunglow and Windgate. Mr. Yelton announced that Lillian Court repaving is underway by Michaels. He reported that drainage issues on Stonewood and Robin Lane have been addressed and that the Palomino drainage problem is next.
- Mr. Yelton updated Council on the Niewahner island project. Electric installation is in process. The flagpole will be reinstalled once the electric is complete.
- Mr. Yelton thanked Noll family for donating landscaping at Villa Complex. He thanked Nick Hendrix for work on addressing an erosion issue affecting Highwater and Macintosh. Mr. Yelton thanked Mr. Waugaman and Mr. Ringo for their help with various projects. He also thanked Ms. Koenig and Rhonda Laws for landscaping the City Buildings.
- Ms. Vaden asked about trees on the island that did not survive the winter. Ms. Koenig noted that those trees are under warranty for 1 year. Mr. Yelton stated he would inspect the trees and follow up with the contractor that installed them.

**Events and Beautification:**

- Ms. Koenig gave the Committee report.
- Ms. Koenig reminded the public that the Garden Club's 20<sup>th</sup> anniversary celebration is May 21<sup>st</sup> from 2:00-4:00 at the Civic Club. She thanked Rhonda and Public Works crew for help with the city building landscaping. Ms. Koenig reported that the Garden Club plant sale was the best ever and that the Club thanks the community for their support.

**Finance:**

- Mr. Waugaman gave the Finance Committee Report.
- Mr. Waugaman reported that the committee questions were answered by the City Administrator/Clerk and responses were reviewed by the committee. He noted that the committee discussed the contract for the auditor. Mr. Waugaman noted that the Mayor's Budget proposal was reviewed and discussed. He reported that the committee recommended approval of the April Financial statements. Mr. Waugaman announced that the next finance meeting would be June 13, 2016.
- A motion was made by Mr. Kilburn, seconded by Mr. Bruns to approve the April 2016 financial statements and post them to the city's website. A voice vote was taken, all approved.

**Administration:**

- Ms. Vaden gave the Administration Committee report.
- Ms. Vaden reported that the committee reviewed the proposed department budget. She noted the hiring of a part-time Occupational License Inspector. Ms. Vaden reported that the committee inspected the records room and that it had been reorganized and cleaned out per record retention rules. She thanked the Administrative Staff for their work on the records room.
- Ms. Vaden noted that the committee discussed potential solutions to address complaints about RV, boats, and trailer parking.
- The next meeting is June 1<sup>st</sup>.

**Recreation:**

- Mr. Ringo gave the Recreation Committee report.
- Mr. Ringo informed the Mayor and Council that the committee met with Jay Frisk, President of the Civic Club to discuss several issues including reopening the access drive to Franzen Field 4, parking, and water/drainage issues affecting the road to the fields and the Club's parking lot.
- Mr. Ringo reported on unnecessary damage to Villa #2 by an out of town team. He noted the repair costs are estimated at more than \$1,000. Mr. Ringo announced that the committee will consider limiting field access to only city teams next year. Discussion followed on recovering the cost of damage from the unpermitted team.
- Next meeting June 9<sup>th</sup> at 6:30 in Council Chambers.

**Fire Authority:**

- Mr. Ringo gave the Fire Authority report.
- Mr. Ringo reported the monthly run totals. He noted the Fire Authority Board discussed hard collection of unpaid subscriptions from residents and businesses located in unincorporated county that are served by the fire department. Discussion followed.
- The next meeting will be June 20<sup>th</sup> at 6:00 p.m. at the Firehouse.
- Ms. Vaden inquired about the debt service of the new engine versus the aerial truck that was recently paid off. Mr. Ringo replied the new loan payment is \$30,000 per year while the old loan was \$50,000. Ms. Vaden asked where the \$20K difference was in their budget as the department's budget request did not drop. Mr. Ringo and Mr. Bruns replied that the funds made available by the lower loan payment were used for raises and other expenses.
- Mr. Kilburn noted that the department's ISO rating is related to new equipment which has resulted in lower insurance premium tax payments for residents. Discussion followed about if fire apparatus could be lease purchased, about ongoing maintenance and engine hours on equipment.

**City Attorney:**

- Ms. Stewart reserved her report for Executive Session.

**City Administrator/Clerk:**

- City Administrator/Clerk Bohman reminded the public about the upcoming Veterans Memorial race on May 21<sup>st</sup> and that several streets along the race route from Crescent Springs Community Park down Collins to Amsterdam Road to River Ridge Elementary and back would be closed beginning about 8:00 a.m. for the race.
- Mr. Bohman announced that the seasonal laborer for Public Works, Caleb Foutch, started May 9th. Mr. Bruns inquired about the identity of the part-time Occupational license inspector position. Mr. Bohman noted that Ken Shirley was hired. Mayor Callery stated that he already found several businesses operating in the city without a license.

**Mayor's Report:**

- Mayor Callery stated that Shadow night was a great event and everyone had fun. He noted that some of the documents, like the minutes, will be signed by the respective students. Ms. Koenig asked if copies will be provided to them. Mayor Callery responded that they would. He also noted that the parents seemed to appreciate all the effort and that the kids were great.

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

**Old Business/New Business:**

- There was no old business
- Under new business, Mr. Ringo discussed plans to hold Shadow Night next year and that the 1<sup>st</sup> week of April looked best for the schools for a special meeting with the students and use the regular meeting for the budget presentation. Discussion followed. Ms. Vaden asked that the counselor at River Ridge be kept in the loop to try and obtain greater participation from River Ridge next year.

## **General Announcements and Council Comments**

- Ms. Koenig thanked everyone for attending the Villa Study Public Meeting on May 9<sup>th</sup> at River Ridge. She noted that the turnout was incredible with more than 200 people attending to discuss the 80 acre site. Ms. Koenig addressed the public to put some rumors about the proposed development to rest. She noted that no builder has been selected. She also stated that none of the members of Council have proposed zoning site all commercial on the site. Mr. Bruns noted that he missed the meeting and stated that it is not up to the city who the sisters sell the property to. He was happy that so many people shared their input. Mr. Ringo noted that it was the largest public meeting PDS had ever handled. Discussion followed. Mr. Ringo asked for clarification of the process and when the City gets involved. He noted that the Religious Order will need a zone change from the Council because the site is currently zoned institutional. He inquired if Council had to make a recommendation on the proposed change. Ms. Stewart replied that the owner typically makes an application for a zone change, text or map amendment through a developer. She noted that the application is reviewed by the planning commission who then makes a recommendation to Council, which then votes on the change. Council must act on the recommendation within a specific time frame or the Planning Commission recommendation goes into effect. Ms. Stewart noted that the Mayor cannot vote to break a tie on the zone change. Mr. Ringo stated he asked a PDS staff person for a timeline and was told the process should be complete by the end of the calendar year. Mayor Callery noted that 6 months was normal for this kind of process. Discussion followed on the Comprehensive Plan update and zoning changes. Mr. Bruns reiterated that it was the religious order's decision who they sell their property to. Ms. Koenig stated it is wonderful that the religious order has included the city in the planning process and that they are taking public input. She noted that all the city is doing is acquiring information
- Ms. Vaden stated that she has been contacted by more than five residents about sidewalk notices and feel that they are being targeted and frustrated because of other code issues that remain unaddressed. Mr. Ringo asked if residents knew that the code issue in question was in court. Ms. Vaden replied that residents know the property has been in front of the Code Enforcement Board, but not the court. Mary Ann Stewart replied that the fines levied on two separate violations have been appealed and that legal staff is requesting the courts consolidate the cases. Ms. Vaden reiterated that residents feel targeted and threatened by the city's sidewalk letter which mentions liens against their property for unrepaired sidewalks. Mayor Callery responded that the two issues are separate. Mr. Bohman responded that the city has never had a sidewalk inspection program in the past and that 50 years' worth of sidewalk issues need to be addressed. He stated that staff has made a first pass down every street in the city noted that several hundred properties have been identified with sidewalk repairs and the first batch of 50 letters went out and a second batch is in the works. Mr. Bohman explained that sidewalk issues create a liability for both the homeowner and the city and that the inspection program was designed to reduce that liability and ensure safe sidewalks in the community.
- Mr. Waugaman commented about the Villa property and noted that residents had nothing to be upset about; the development was only in the early planning stages.



- Mayor Callery noted that University of Cincinnati students did a plan for the site in 2000 and he contacted one of the students who has since gone on to a distinguished career in planning and won many awards. He stated she was happy the plan was being used after 16 years.

No one requested to address the Mayor and Council during Public Comments.

A motion to go into Executive Session to discuss pending litigation pursuant to KRS 61.810(c) was made by Mr. Kilburn and seconded by Mr. Waugaman at 8:25p.m.

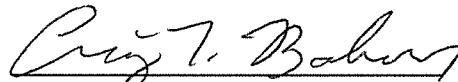
A motion to leave Executive Session was made by Mr. Waugaman and seconded by Mr. Bruns at 9:27. Motion carried by voice vote, all in favor.

Mr. Bohman noted that the regularly scheduled quarterly caucus meeting is June 8<sup>th</sup>. Discussion followed regarding the need to hold a caucus on June 8<sup>th</sup>. Consensus emerged to hold the caucus to discuss the proposed budget.

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

Time of adjournment was 9:32 p.m.

Respectfully submitted,



Craig T. Bohman, City Administrator/Clerk



Irvin T. "Butch" Callery, Mayor