



**Meeting 653 Minutes
November 16, 2016**

Mayor Irvin T. "Butch" Callery called the November 16, 2016 City of Villa Hills Council meeting #653 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

Lee Metzger, Assistant 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.

Presentations:

- Mayor Callery called Lauren Hudson forward and presented her with a proclamation declaring November 17th as Lauren Hudson Day in the City of Villa Hills in order to honor the young author. Ms. Hudson thanked Mayor Callery.
- Mr. Metzger read the title of Resolution 2016-M honoring Virginia "Ginny" Feldhaus. Mayor Callery read the resolution in full acknowledging her many contributions to the early days of the City of Villa Hills and offering condolences on the occasion of her passing. Mr. Bruns made a 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 Resolution 2016-15

Mayor Callery acknowledged and thanked Lorain Braun who brought this item to the City's attention.

- John Chamberlin from Van Gorder Walker presented Council with the annual audit.
 - He thanked Mr. Bohman, city staff and Mr. David Baker, the city's accountant, for their assistance with the audit.
 - Mr. Chamberlain stated that the city's finances are in great shape. He stated that the audit received an unmodified opinion with no internal control, non-compliance, or management issues to report. Mr. Chamberlain noted that there are a few immaterial audit adjustments were made to the financial statements. He noted that the city made financial management changes that were recommended like moving to Fund accounting and strong fiscal oversight of fiduciary funds.
 - Mr. Chamberlin brought Council's attention to a slide handout and explained the city's net position and reserves. He noted that the city should have about \$857,000 in reserves and has a total of \$2.1 million on hand.
 - Mr. Chamberlin discussed the city's revenue and expenses and explained the audit report. He brought Council's attention to the long term debt schedule that resulted from the \$750,000 road lease to Heritage Bank.
 - Mr. Chamberlin noted that there is not a management letter issued with this year's audit because there were no issues to be addressed as a result of management adopting previous years' suggestions.
 - Mr. Chamberlin described the financial statements and notes. He reported that the budget to actual numbers resulted in more in General Fund revenue than anticipated and the city spent less than budgeted in the General Fund resulting in \$123,600 positive variance. Mr. Chamberlain noted similar positive variances were reported in the other funds and noted this was a sign of good fiscal management.
 - Mr. Chamberlin noted that it was an outstanding audit.
- Mr. Bruns noted that the positive variance is considered a surplus. Mayor Callery agreed.
- Mr. Kilburn stated that this is a "good news" audit. Mr. Chamberlin replied that it was very good news.
- Mayor Callery thanked Mr. Chamberlin.

With there being no further presentations, the meeting proceeded to the approval of minutes.

- A motion was made by Mr. Bruns, seconded by Mr. Waugaman to approve the minutes of the special meeting of October 4, 2016 (Council meeting #652). Motion carried by voice vote, 6-0 in favor.

The meeting proceeded to the next agenda item, legislation.

Legislation:

- **2nd reading and approval of Draft Ordinance 2016-K Establishing a Code Enforcement Board.**

Mr. Metzger gave a second reading to draft Ordinance 2016-K. Motion made by Mr. Kilburn, 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

Motion carried 6-0. This will become Ordinance 2016-11

- **2nd reading and approval of Draft Ordinance 2016-L Updating the Villa Hills Nuisance Code.**

Mr. Metzger gave a second reading to draft Ordinance 2016-L Motion made by Mr. Kilburn, seconded by Ms. Koenig. 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 2016-12

- **Discussion and approval of Draft Municipal Order 2016-I Amending the Rules And Regulations For the Villa Hills Police Department by adding policies on Sexual Assault Kits, Training, and Home Fleet Vehicle Use; and Amending Policies Regarding The Safe Infant Act and Arrests.**

Mr. Metzger presented Municipal Order 2016-I. Ms. Vaden inquired of Chief Allen about changes to the home fleet policy and its impact on current officers. Chief Allen replied that the home fleet policy was 5 lines in the vehicle policy and was taken out and replaced with the KLC model home fleet policy in a new chapter. He noted that the home fleet distance of 16 miles did not change and will not affect any officers. Ms. Vaden followed up regarding the removal of references to MDC and GPS. Chief Allen noted that officers turn in their air cards at the end of their shift, so the old policy of keeping the MDC on and running GPS at all times was no longer possible. Ms. Vaden inquired about the new policy of prohibiting parking cruisers at commercial establishments while off duty. Chief Allen clarified that is in regards to leaving the cruiser unattended overnight and not while working a detail. Mr. Waugaman asked why 16 was used instead of a multiple of 5. Chief Allen replied that 16 was the average of other department policies. With no further questions, a motion for approval was made by Mr. Bruns, seconded by Mr. Ringo. A voice vote was taken all in favor.

Motion carried 6-0. This will become Municipal Order 2016-11

- **Discussion and approval of Draft Municipal Order 2016-J Accepting the Bid of Morton Salt at \$58.56 per ton delivered for up to 800 tons of road salt.**

Mr. Metzger presented Municipal Order 2016-J. Motion made by Mr. Bruns, seconded by Mr. Waugaman. Mr. Waugaman asked Mr. Yelton if this was the blue salt he wanted. Mr. Yelton noted that it was and that it was easier to see while distributing which was more efficient. Mr. Bruns noted that the blue salt was treated and that this was a good price. A voice vote was taken all in favor.

Motion carried 6-0. This will become Municipal Order 2016-12

- **Discussion and approval of Draft Municipal Order 2016-K Accepting the Bid of Limestone FLW for the purchase of a skid steer at the price of \$37,500 and authorizing the trade in of the existing skid steer for a credit of \$30,000.**

Mr. Metzger presented Municipal Order 2016-K. Motion made by Mr. Kilburn, seconded by Ms. Koenig. A voice vote was taken all in favor.

Motion carried 6-0. This will become Municipal Order 2016-13

- **Discussion and approval of Draft Municipal Order 2016-L Declaring Surplus Property.**

Mr. Metzger presented Municipal Order 2016-L and noted that this was to surplus Police Department shotguns. Motion made by Mr. Ringo, seconded by Mr. Kilburn. A voice vote was taken all in favor.

Motion carried 6-0. This will become Municipal Order 2016-14

With no further legislation, the meeting proceeded to committee reports.

Committee Reports:

Police:

- Chief Allen gave the monthly police report.
- Chief Allen noted call volume and crimes reported are down slightly.
- Chief Allen noted that the monthly report contains new charts that are available from the state system. Mr. Bruns inquired if the department can still access maps, Chief Allen stated he could see a better map than the old system, but could no longer print it for the report.
- Chief Allen noted that the closure rate is 95.5%. Chief Allen described the various types of investigations closed out during the month.
- Chief Allen reported 48 hours of OT used and 33 calls were made outside city. He also noted the training received during the month.
- Ms. Vaden asked if walk-throughs in the school were counted as foot patrols. Chief Allen replied that a few might be, but most are actual foot patrols in the community. Ms. Vaden inquired if the new reporting system could report calls made into the city by other departments. Chief Allen replied that it could not. Ms. Vaden noted that in September half of all calls outside the city were to Ludlow and one-third of the assistance calls in October were also to Ludlow and asked if something was going on. Chief Allen replied that Ludlow has been busy and Villa

Hills is the back-up for Ludlow. He noted that officers are called off on half the calls before they arrive on scene. Discussion followed.

- Mr. Kilburn asked Chief Allen to confirm that the police department continues to provide services to the schools, like DARE, upon their request. Chief Allen confirmed that is the case.
- Chief Allen noted that the City sold the surplus cruiser, the new recruit has started the academy, and the Attorney-General's seminar on scams was great and 4 people attended. Mayor Callery noted that it was hard to get the papers interested in the seminar. Chief Allen stated that he would try to have the seminar again because it had really good information.
- Ms. Vaden thanked Chief Allen for his good budget management.

Safety:

- Mr. Bruns reported that the Safety committee did not meet in October or November.
- The next meeting is December 13th.

Engineer:

- Mr. Whitacre discussed the surveying work being conducted on Buttermilk which the cost is being shared with the Water District. He noted that the work is for the design of the Buttermilk reconstruction project and the water line replacement which will occur just before the road work. Mr. Whitacre asked the public to be mindful of the survey team and to drive carefully.
- Mr. Whitacre described the RFP for signage and noted the addition of a stand-alone stop sign post in addition to the posts with street sign brackets. Mr. Bohman noted that the intention is to have the bids back in time to have sign posts ready for spring, but was mindful of the upcoming holidays.
- Mr. Whitacre noted that the city is considering slab-jacking on Niewahner to address drainage issues and Mr. Yelton will have more to report.'
- Mr. Waugaman noted that the draft RFP does not require all poles to be break-away poles and inquired if the city is liable if a driver strikes a non-break-away pole. Mr. Metzger replied that the city always has liability regardless of the type of pole installed, but that liability would be based on specific circumstances of the case. Mr. Bohman stated that the manual of uniform traffic control required break-away signs on streets with speed limits above 25 MPH and that the state required them on state routes. He noted most streets in Villa Hills have a 20 MPH speed limit. Mr. Whitacre noted that the RFP is flexible and the city can select the poles they need based on price. Mr. Bruns noted that as long the city uses the standards in the traffic manual it should be O.K.
- Mr. Bruns inquired if Duke will need to do work on Buttermilk before the road project. Mr. Whitacre replied that he has contacted Duke and they said that they do not. Mr. Bruns asked if the grading would change. Mr. Whitacre said the plan is to keep the same grading. Mr. Whitacre noted that pavement type has not yet been selected. Mr. Bruns followed-up by noting that Mary Street intersection needs attention. Mr. Whitacre replied that it is probable that drains will be needed half way up the hill.

Public Works:

- Mr. Kilburn gave the Public Works report. He thanked Mr. Waugaman for chairing the last committee meeting in his absence due to work. He also thanked Ms.

Koenig and Ms. Vaden for their work on the decorative street signs and that their work was instrumental in getting ready for the RFP and resident can expect to see the new sign posts soon. Mr. Kilburn reported that available funds for roads at the end of October was \$76,000. He noted that the committee discussed drainage issues, crack-sealing, and decided not to recommend the street tattoo on Amsterdam. Ms. Vaden inquired about the cost. Mr. Yelton replied that painting down the street tattoos was \$2,900 and using thermal glass bead would be \$3,600. Mr. Kilburn discussed the collapse of the retaining wall will cost \$11,000 to repair and will be offset by \$8,500 in insurance coverage. He noted that the committee also discussed the sign post RFP and the prep work for the Buttermilk Pike grant project. He noted that the Water District is sharing the cost of the survey team.

- The next meeting is October 12th at 1:00 p.m.
- Mr. Ringo asked for clarification on what portions of Amsterdam Road are state route and which are city owned. He noted that a recent blacktop job by the state from River Road to Collins stopped short near Kenridge. Mr. Kilburn verified that the state owns Amsterdam from Collins to River Road. Mayor Callery noted that the state ran out of money and stopped the project short. Mr. Ringo noted the presence of a bad utility cut that was not fixed per our ordinance. Mr. Bohman noted that the cut was made prior to the encroachment ordinance passing. Discussion followed.
- Mr. Kilburn thanked all of Council for their support on the road tax and noted residents are seeing the impact of the new funding.
- Ms. Vaden asked Mr. Kilburn if the committee could review other options for how to address the speed limit change on Amsterdam Road. Mr. Kilburn stated that the committee would review any new ideas. Mr. Ringo noted that the previous Council took action on installing a stop sign at Country Squire and Amsterdam. Ms. Koenig noted that the issue was hung up due to the cost of a traffic study and opposition by nearby residents. Mr. Yelton noted icing issues due to the lake in front of Madonna Manor in that area.
- Mr. Ringo thanked Mr. Yelton for addressing the line of sight issue due to overgrown vegetation at Doriel and Amsterdam. Discussion followed about the pros and cons of potential stop signs on Amsterdam.
- Discussion followed about the change in the speed limit on Amsterdam. Chief Allen noted that 85% of the drivers drive 38 MPH or less. Further discussion followed about rumble strips, speed bumps, flashing lighted signs, and stronger enforcement. Consensus emerged to continue to monitor the speed on Amsterdam. Chief Allen noted that the number of courtesy notices being issued has declined as has the speed reported by stealth stat has also dropped.
- Mr. Yelton reported that panel replacement continues thorough out the city. He also noted that 20 catch basins have been replaced or repaired. Mr. Yelton noted that hot patch has been used this summer which seals better than cold patch and can cover more per pound than cold patch. He reported that crack-sealing is still underway with punch list items. Mr. Yelton noted that a 60 foot section of Niewahner has dropped about 4 inches and SD1 is reviewing if their line is the cause. He also noted that Rosewood has a large void that needs to be filled, described mud that was coming up between the panels but noted that the pavement is in good shape and can be saved. Mr. Yelton reported the cost to stabilize Rosewood is \$17,875 and the cost to lift Niewahner panels is \$3,100 which is cheaper than replacing the affected panels. He suggested holding off on

Niewahner until the review by SD1 is complete and work with them on a 50/50 project if needed.

- Mr. Yelton thanked Mr. Waugaman for the assistance with getting flagpole reinstalled. He also noted that the new dump truck is due to be delivered any day. Mr. Yelton thanked the Mayor and Council for accepting the Skid Steer bid.
- Mr. Kilburn asked Mr. Yelton and Mr. Whitacre about the Rosewood situation and if the project needed to be done immediately. Mr. Yelton said that Mr. Whitacre has not yet reviewed the situation, but that he had shown Mr. Bohman the mud when it rains. Mr. Bohman confirmed that mud comes up through the joints for several hundred feet on Rosewood. Mr. Whitacre stated the sooner you make the repair the better. Mr. Ringo noted that filling the void will not solve the water issue since water will find another place to go and stated that the city should be trying to address the water issue first. Mr. Yelton stated that the City's downspout ordinance could address the water issues and noted that the yards slopes to the street. Mr. Kilburn asked how long it would take to make the repair. Mr. Yelton reported that he did not know but estimates it could take three days. Mr. Ringo stated that staff needs to know where the water is coming from first because filling the void will not address the issue and he does not want to spend any money until the water is captured first. He stated the simple solution was to capture the water and reroute it. Mr. Yelton suggested working up costs on installing a drainage project (like Dalewood). Mr. Ringo said it would be better to find out where the water was coming from first. Mr. Bruns noted his decade long opposition to mud jacking, then stated that the use of the procedure on Niewahner was the first reasonable use of mud-jacking he has ever heard. Mr. Kilburn asked if the procedure could be done in winter months. Mr. Whitacre replied he would check if the procedure was temperature dependent. Mr. Waugaman asked if raising Niewahner will help with the flooding issue. Mr. Whitacre responded that it would. Discussion followed.
- Mr. Yelton noted that the fields are closed for the winter and the restrooms have been winterized and most required annual prep work has been completed per the contracts. He also noted that the netting at Villa was in bad shape and needed to be replaced.
- Mr. Yelton reported that Corey Schalk and Scott Smith have received their Roads Master Certification from the Department of Transportation.
- Thanked Garden club and Nick Hendricks for their assistance with projects.
- Ms. Koenig reminded the public to keep any catch basins in their yard clear of leaves and trash.
- Mr. Bruns inquired if the city has an ordinance regarding placing grass clippings and leaves in the street. Mr. Bohman replied that the city did not but could stretch the garbage regulations to include such items illegally placing refuse on the public right of way. Mr. Bruns requested that Council work up an ordinance to prevent grass clippings and leaves from being swept into the street. Mr. Louis Machinot, a resident of Sun glow, suggested including adding snow removal to prevent people from shoveling their drives into the street. Mr. Waugaman asked if this was previously considered. Mr. Bohman replied that it was discussed at Administration but did not make the cut during the last Caucus meeting but could be revisited at any time. Discussion followed. Mayor Callery asked Mr. Metzger to check into an ordinance to address the issue.

Events and Beautification:

- Ms. Koenig gave the Events and Beautification Committee report.
- Ms. Koenig reported that more than 660 people attended Haunted Trails. She thanked The Civic Club and all of the volunteers who assisted.
- Ms. Koenig reminded the public about the upcoming Christmas in the Park to be held on Saturday December 3rd. She noted that the horse drawn carriages were unavailable and replaced with a train ride through the park.
- Next meeting is December 5th.

Finance:

- Mr. Waugaman presented the Finance Committee report.
- Mr. Waugaman reported that during the October Finance meeting that questions about the monthly financials were submitted by the committee, replied to by the City Administrator/Clerk, the answers reviewed, and the audit and obtaining a contract with Mr. Baker was discussed. Mr. Waugaman stated that the committee recommended approval of the September financials and posting them on the city's website. Mr. Kilburn made a motion, seconded by Mr. Bruns, to accept the September 2016 and post them on the city's website. Motion carried by voice vote, all in favor.
- Mr. Waugaman reported that during the November Finance meeting noted that questions about the October financials were submitted by the committee, replied to by the City Administrator/Clerk, the answers reviewed, and the audit report draft was presented. Mr. Waugaman stated that the committee believes that the financial statements are in really good shape and very clean. Mr. Waugaman stated the committee recommended approval of the October financials with minor audit adjustments and posting them on the city's website.
- Next meeting is November 19 at 7:00 p.m.
- Mr. Kilburn made a motion, seconded by Mr. Ringo, to accept the September October 2016 financials and post them on the city's website. Motion carried by voice vote all in favor.

Administration:

- Ms. Vaden gave the Administration Committee report.
- Ms. Vaden reported that the committee did not meet in October due to the conflict with the October special meeting and did not have a quorum for November. She provided an update that discussed some insurance companies are still charging 7%, a report on the activities of the Occupational License Inspector, and the annual salary survey was turned in. She noted that the server is having issues. Mr. Bohman confirmed that the city has been having issues with both the server and the website. Discussion followed about other cities recently being hacked.
- Next meeting is December 7th at 6:30 p.m.

Recreation:

- Mr. Ringo gave the recreation Committee report.
- Mr. Ringo noted that the fields have been shut down and that the city has meet its contractual obligations for annual field maintenance. He asked Mr. Yelton to work with him to address the issue of the netting at Villa.

- Mr. Ringo noted that the annual field draw is December 8th. He noted one change in that fields will only be provided to Villa Hills and Crescent Springs teams. Mr. Ringo requested a list of emails of coaches who have received permits in the past year. Mr. Bohman said the list would be provided.
- Next Meeting is December 8th for the field draw.

Fire Authority:

- Mr. Ringo noted that the Fire authority Meeting is next week on Monday November 21st.
- Mr. Ringo informed Council that the Fire Authority is in negotiations with Bromley to renew their contract for EMS service and the new fire truck is behind schedule and now expected to be delivered in February.

City Attorney:

- Mr. Metzger reserved his report for executive session.

City Administrator/Clerk:

- Mr. Bohman reviewed the report on the License Inspector activities. He noted that 55% of the city's payroll tax comes from mobile companies that come in and out of the city, so it's important to capture those tax dollars. He noted that 40% of the companies stopped did not have licenses and 1/3 of those refused to obtain a business license. The rest did get businesses licenses. Mr. Bohman noted that additional tax dollars (payroll and gross receipts) will be received when the companies file annual returns. Mr. Waugaman noted that a portion of the payroll tax goes to the road fund so this is important for road projects as well.
- Mr. Bohman announced that the city is 68% collected as of the end of the business day which is slightly behind last year's 72% collection rate. He noted that tax bills are delinquent after November 30th and will have 15% penalty and 6% annual interest applied. He reminded the public that tax bills could be mailed, paid at the Heritage Bank in Crescent Springs, paid at the City Clerk's window or placed into the dropbox at the Administrative office after business hours.

Mayor's Report:

- Mayor Callery congratulated Council on their re-election.
- Mayor Callery wished all the residents a Happy Thanksgiving

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

- Mr. Bruns wished everyone a happy and safe holiday.
- Mr. Kilburn wished everyone Happy Holidays and thanked The Mayor, Council, and staff for working together to address city issues.
- Ms. Koenig also expressed her appreciation and holiday wishes.

- Mr. Ringo inquired about the December 21 meeting. Mr. Bohman replied that there was a Caucus on December 14 and a Council meeting on the 21st. Discussion followed and consensus emerged that Council would have quorum on December 21st.
- Ms. Vaden inquired about the date for Shadow night. Mr. Ringo replied that it has been scheduled for April 5th and asked all three schools to incorporate the program into their class schedules. Discussion followed about finding ways to increase the schools participation.
- Mr. Waugaman thanked the Finance Committee for their work and thanked department heads for keeping the budget under control. He also thanked Mayor Callery and Mr. Bohman for their assistance to Mr. Chamberlin during the audit. Mr. Waugaman wished everyone a Happy Thanksgiving.

Public Comments

- Louis Machinot of Sunglow addressed the Mayor and Council regarding a burnt out street light located throughout the city and expressed concerns about public safety. He urged anyone who sees a light out to call the electric company because they would not replace them without a trouble call.
- Mr. Machinot also described his unsatisfactory experience with the Kenton County Animal Control officer and the continued presence of his neighbors' cats running at large. He noted that the County no longer takes cats to the shelter but releases them and that this policy conflicts with the city ordinance. Mr. Machinot also described an incident involving a vicious dog. Mr. Waugaman inquired of Mr. Bohman if the County can enforce the city's rules. Mr. Bohman explained the complaint process and offered to contact the Animal Control officers to have this issue addressed. Ms. Koenig noted that the city's leash law includes cats. Discussion followed. Mayor Callery said that Mr. Bohman will contact the County and have this addressed. Mr. Kilburn inquired if the city is required to be informed if there is a vicious animal in the city. Mr. Bohman stated he would check.

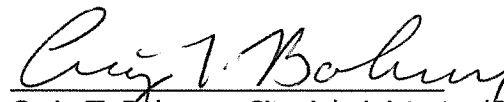
At 8:28 p.m. A motion was made by Mr. Kilburn, seconded by Ms. Koenig go into executive session pursuant to KRS 61.810(1)(c) for discussions of pending litigation. A voice vote was taken, all in favor, no opposition.

At 9:14 p.m. Ms. Koenig made a motion to leave Executive Session, seconded by Mr. Bruns.

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

Time of adjournment was 9:15 p.m.

Respectfully submitted,


 Craig T. Bohman, City Administrator/Clerk


 Irvin T. "Butch" Callery, Mayor