



**Council Meeting 640
Special Meeting at River Ridge Elementary
October 21, 2015**

Mayor Irvin T. "Butch" Callery called the October 21, 2015 City of Villa Hills City of Villa Hills Council meeting #640, a special meeting held at the River Ridge Elementary School Cafeteria, 2772 Amsterdam Road, Villa Hills, Kentucky to order at 6:31 p.m. Mayor Callery welcomed the audience then asked Mr. Bohman read the special meeting notice and to take the roll. Mr. Bohman read the special meeting notice and took the roll. Those in attendance:

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

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

A quorum was present.

Presentation:

Mayor Callery turned the meeting over to Councilmembers Ringo and Waugaman for the presentation on the ballot question.

- Mr. Ringo told the public that the ballot question was not a request for funding, that Council had acted to finally address road funding after 12 years, 6 councils, and 3 mayors by providing residents an option to replace what Council has done to provide funding for roads with a road tax. He noted that the law prevents Council from raising a new property tax without a citizen vote.
- Mr. Ringo described the order of the presentation. He discussed the 10 year average of road funding revenue of \$338,788 and expenses of \$375,110, and pointed out that this year's budgeted amount was \$329,000. He also noted that \$50,000 in funding for road salt was in the general fund which would have traditionally been taken from road funds.
- Mr. Waugaman presented examples and pictures of needed road work due to deferred maintenance or premature failures on Appleblossom, Squire Oaks, Lillian, Felice, Windgate, Palomino, Villa, Boulder, Valley Trails, Timberline, Sunglow, Thirs, Damson, Sierra, and Rogers.
- Mr. Ringo explained the general life cycle of a typical street over 50 years. He noted that the current age distribution of streets shows that 85% of city streets are 25 years old or older. Mr. Waugaman noted that 15% of roads are 40 years or older. Mr. Ringo explained the city engineer's projections of \$700,000 per year for needed road funding He noted that the city has approximately \$3 million of deferred maintenance.

- Mr. Ringo explained that Council acted on road funding after passing the budget to ensure transparency and have discussions.
- Mr. Ringo described ordinances 2015-9 increasing the insurance premium tax from 7% to 10% and 2015-10 increasing the payroll tax from 1% to 1.5% to pay for roads. He noted that the payroll tax increase will remain in place and take effect in January regardless of the result on the ballot question so that people who work in the city share the burden of using the city's roads. Mr. Ringo explained that the insurance premium tax increase would go into effect if the ballot question fails. If the ballot question passes, the insurance premium tax would drop to 5% and the funding for roads would be replaced with a 6.7 cent per \$100 valuation road tax. Mr. Ringo noted that either option brings in about \$710,000 in total road funding between municipal road aid, the payroll tax increase and either the insurance premium tax or the road tax.
- Mr. Waugaman discussed the city's current ranking of various tax rates among roughly 2 dozen Northern Kentucky cities. He noted that with the increases the city moves from the bottom of the ranking to the middle of the pack with many cities taxing additional items that Villa Hills does not tax such as health and life insurance premiums and utility bills.
- Mr. Ringo presented the ballot question & described the difference between designated and restricted funds.
- Mr. Waugaman gave an example of how he would fair under both scenarios. He noted that he would pay \$93 more if the insurance premium tax increase remained in place, but would pay \$38 more if the road tax passed.
- Sally Smith, a resident, inquired about how old one needs to be to get the homestead exemption. Mr. Waugaman responded one needs to be 65 years old or disabled and one can apply with the County Property Valuation Administrator (PVA). Ms. Smith followed up asking what percentage of the city receives the homestead exemption. Mr. Bohman answered 25%. Discussion followed.
- A resident who did not identify themselves asked how much money is brought in by the Insurance premium tax. Mr. Bohman responded that that the city has had a 5% insurance tax since the mid 80's and those dollars have been used for general city operations. The last Council raised it to 7% which brought in an additional \$185,000 for roads. The 5% insurance tax brings in about \$450,000 which the city uses to provide services.
- Another resident asked about The PVA changing the city's property values. Mr. Waugaman responded that the PVA reassesses the area every 4 years and the road tax would bring in more money as values increased. Another resident asked about the Insurance tax being encumbered for roads. Mr. Waugaman explained the designated versus restricted. Ms Stewart noted that funds can only be designated because the current Council cannot bind future councils. Mr. Ringo noted that without the restriction of the road tax, it's up to each council to decide where to set the insurance premium tax.
- Mr. Ringo gave the example that he would save \$86 with the road tax over the insurance premium tax increase. He reminded the public that insurance goes up every year while property values are reevaluated every 4 years. Mr. Ringo noted that the Insurance premium tax is not deducted.
- Mr. Ringo summarized the presentation reiterating that the ballot question was not a request for funding but an option for voters to decide which way to pay. In most cases, passing the ballot question is better for residents. He pointed out that the funding mechanism for roads includes an increase in the payroll tax so

those that work in Villa Hills and use the city's roads will also share in the cost for the upkeep of the roads. A resident asked if the payroll tax was also restricted. Mr. Ringo replied that it was designated, but not restricted.

- Mr. Waugaman noted that families with young drivers will win big if the property tax passes. Mr. Waugaman described the effective dates of all the rate changes and when the city will notify the Department of Insurance.
- A resident asked when the last time the city took a +4% increase in the property tax. Mr. Waugaman responded 4 years ago (in 2011).

With the presentation completed, Mayor Callery Mr. Callery introduced City Engineer Dave Whitaker and Public Works Director "Buck" Yelton to the audience and opened the floor for questions and comments from the public.

- Cindy Schachere, 1021 Doriel, asked if the tax is permanent. Mr. Ringo replied yes. She followed up asking if businesses have to pay business taxes. Mr. Waugaman replied yes, they pay an occupational license fee. She asked another question regarding who is responsible for accepting new streets. Mr. Kilburn replied that the city has no say over the standards new streets are built to. He stated the City is responsible for the street 45 days after the street is dedicated. Ms. Schachere clarified who approves repair work completed on existing streets? Ms. Koenig replied that the City Engineer and the Public Works Director inspects repair work. Mr. Kilburn noted that the city does not pay the bills until the Engineer approves the work.
- Sam Bitter, 2617 Amsterdam Road asked who develops street specs in the first place. Mr. Whitacre explained the subdivision platting process. Mr. Bitter inquired why the city is responsible for new streets if city can't determine the street specs. Ms. Stewart replied by explaining the legislation that requires the streets to be transferred to the city once the developer builds a road to minimum standards. Mr. Bitter asks who approves subdivisions. Ms. Stewart replied that the Planning Commission approves those. Mr. Bitter commented that the city has given all its powers to the planning commission. Ms. Stewart noted that state statute required the city to transfer its powers to the planning commission once a county wide planning commission is formed. Another resident inquired about who is responsible for setting the specs for city replacement projects. Mr. Waugaman responded that it is the City Engineer. Mr. Bitter commented that if streets fail after 2 years, they were not built to minimum standards. Mr. Bruns noted that streets by some builders are set to minimum standards. Then he described how construction vehicles used to build the homes are very heavy and crush the street while it is new and still strengthening. Mr. Bruns also described how if the curbs are not back filled when a contractor uses a slip form machines, water will get under the road and destroy the street. Discussion followed about PDS setting poor standards for roads. Mr. Bohman clarified the difference between Planning and Development Services (PDS) staff and the Kenton County Municipal Planning and Zoning Commission which is made up of appointees, a portion of whom are builders. Discussion followed about builders on the planning commission. Mr. Ringo explained that water issues are the biggest problem in the city and that the city adds drains to street replacement. Mr. Kilburn explained that city work has payment bond and performance bonds to ensure quality work. Mr. Whitaker explained the specs the city uses are higher than the minimum standards used by the Planning commission, using higher

strength concrete and installing drainage. He noted that in 30 years the streets that have been replaced have not failed.

- Gregory Ruschman, 870 Wesley , noted that a lot of work has been completed at the intersection of Valley Trails (Buttermilk) and Rogers. He asked if the work was done to the higher standards and if residents can expect the work to last the projected 50 years. Ms. Koenig responded yes to each part of the question.
- Mike Best of Deerfield asked if the tax would address sewer lateral issues by covering the remaining 10% after SD1 pays for the 90% of the cost to perform work in the right of way. Mr. Ringo responded that it would not because the repair of a sewer lateral is a private property owner's responsibility while the road money could only go toward general repair and maintenance that benefited the public. Mr. Best followed up about why the city puts down salt on new streets, like Felice, less than 3 years old when that is not recommended. Mr. Bruns explained that the issues with the road are not caused by salt but by undermining. Mr. Best followed up by inquiring why the city doesn't install drains when new subdivision is being installed. Mr. Waugaman responded that there is a lack of funding to do that and did not believe it was a good idea to put money into a road about to be destroyed by new home construction. Mr. Best responded that if the issue is drainage, installing the drains would save the street. Ms. Koenig replied that the when the city was informed that we would have to accept Felice, the city marked all the problems with the street and they developer agreed to fix the issues that were identified, but any new issues becomes the city. Ms. Koenig stated wished that the city could refuse to take a street until the construction is complete. Mr. Best asked another question about if 20% of panels need replacing, why would the city overlay the whole street. Mr. Whitaker explained that the panels that are structurally unsound are replaced. He noted that overlays are used to level the driving surface and seal all the joints. He explained that asphalt overlay would extend the life a the street by 10 to 15 year. Mr. Best responded why not just replace using concrete and no asphalt. Mr. Whitaker replied that using concrete replacement only costs more and reduces the number of streets that can be overlaid. He noted that 5 streets can be overlaid for the cost of replacing on street in concrete. Mr. Whitaker said the city cannot afford to use concrete only streets. the new drainage designs that the city is using. Mr. Best asked if the city would be using felt like the cities on the (Dixie) Highway are using. Mr. Whitacre responded that the city is exploring using panel drains which need 4 inches of depth instead of underdrains which need to be 12 inches deep in order to avoid underground utilities. Mr. Waugaman responded that everything comes down to money and the ability to get the most "bang for our buck". He noted that the city is still \$3 million in the deferred maintenance. He noted that it is not economical for the city to replace a street after 35 years. City must stretch the lifespan of the street to 50 years. Mr. Best asked if any of the county taxes come back to the city, the response was no. Mr. Best then rhetorically asked why the county gave the city the county roads inside city limits.
- Sally Smith asked what guarantee do residents have if this passes future councils won't raise insurance tax anyway. Mr. Waugaman noted that was the issue with the insurance premium tax, that future councils could raise it. He noted that the road tax was restricted and that the rate could be reduced if the city did not need the full amount in a given year. Mr. Bruns stated that there was no guarantee that the insurance premium tax would not be raised by future

Councils. He described the insurance premium credit allowed by state statute where cities get a credit for city premium tax against the county premium tax. He noted that if the County ever voted to collect their full amount of premium tax inside city limits, Council would act to raise the city's insurance premium tax to the same level as the County's to keep those dollars in our community.

Discussion followed about how the city could adjust the road tax to account for a future increase in the insurance premium tax.

- Mark Donohoe at 1021 on Lauren Drive: How is the city planning on addressing the \$3 million deferred maintenance? Mr. Waugaman stated the city is looking at a road bond to address the issue and noted that the city received a grant to address Buttermilk and Valley Trails was just designated a collector street which now qualifies for grant dollars. He stated the goal is to not slip any further behind. Mayor Callery noted that the city has fallen about \$300,000 behind every year because it did not spend the \$600,000 to \$700,000 required to keep up. Mr. Donohoe asked how the city would address the \$3 million debt. Mr. Ringo noted that the city has no debt, just \$3 million of needed work we are behind on. Mr. Donohoe noted that nothing prevent future councils from raising the insurance tax even if this passes and inquired why the road tax did not sunset so voters could revisit it. Mr. Ringo noted that the amount of work is so much that a sunset was not feasible. Mr. Donohoe commented that he has concerns about the lack of control over preventing future increases in the insurance premium tax. Mr. Donohoe asked if the money collected on the vehicles by state and county comes back to the city. The reply by Council was no. Mr. Kilburn described the gas tax distribution model and that most money collected from the 26 cents per gallon gas tax goes to rural areas. Additional discussion followed about how the road tax could be reduced if the city obtains more money from the gas tax. Mr. Donohoe asked if the city gets any money from the school district to compensate for the damage done to the city streets by the busses since a lot of busses come to River Ridge. Ms. Koenig replied that most buses use Collins and Amsterdam which are both part of state route.
- Mic Burke, 1051 Cityview, asked what roads are the city not responsible for such as county roads and state routes. Mr. Bruns responded that there are no county roads in the city. He noted that there is an agreement with the county to where they maintain Highwater from Riverwatch Drive to Bromley. He noted the state routes in the city are River Road (Route 8) and Collins and a portion of Amsterdam (Route 371).
- Sally Smith asked if renters are taxed. Mr. Waugaman responded that the cost of higher taxes would likely be passed on to renters by the landlord. Mr. Ringo noted that the property tax is applied to the real property.

At 8:15 p.m. motion was made by Ms. Koenig, seconded by Mr. Kilburn to adjourn the public presentation on the ballot question. Motion carried by voice vote all in favor. At the request of Ms. Koenig, Mayor Callery called for a 5 minute recess.

At 8:24 p.m. Mayor Callery called the meeting back to order. The next item on the agenda was the acceptance of the minutes.

Minutes:

- Mr. Bruns made a motion to accept the minutes of meeting #639. Seconded by Mr. Kilburn. Voice vote all voting in favor, Ms. Koenig abstained.
- Mr. Bruns made a motion, seconded by Ms. Koenig to accept the minutes of the October 13, 2015 Special Meeting. Voice vote all in favor.

The next item on the agenda was Legislation.

Legislation:

- Ms. Stewart read draft Resolution 2015-P Authorizing the Mayor to sign a memorandum of agreement to update the regional Hazard Mitigation plan. Mr. Kilburn made the motion to approve, seconded by Ms. Vaden. A voice vote was taken all in favor, the recorded 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 2015-16.

- Ms. Stewart read draft Resolution 2015-Q Approving the transfer of the cable franchise from Time Warner Communications (Insight II) to Charter Communications. Mr. Mr. Kilburn made the motion to approve, seconded by Mr. Bruns. Mr. Ringo commented that he thought any transfer of the franchise was put on hold by the TBNK. Mr. Bohman responded that the TBNK had resolved the outstanding issues with Time Warner and requested the passage of the resolution prior to the city’s November meeting. A voice vote was taken all in favor, the recorded vote as follows:

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| 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 2015-17.

- Ms. Stewart read the title of Executive Order 2015-14 Updating the personnel policies. Mr. Bohman noted that the Mayor presented the executive order to Council in the meeting packet. Mr. Bohman explained the alternate method of adopting personnel policies allowed by city ordinance which gives Council the option to reject the changes made in the Mayor’s executive order at the following regularly scheduled council meeting. Mr. Ringo asked of these changes include a policy on body cameras. Ms. Stewart replied that she has been working with Chief Allen on devising those policies and they would be placed in the Police Department policies. Mr. Bruns commented that the city spent an exuberant amount to update the policies and wanted to know what substantial changes were needed now which required more money to update the policies since so much was spent the first time. Mr. Bohman replied that changes were needed when the previous council removed civil service, that the technology chapter never really worked well for the city, and that recent court rulings required

changes to the policies in place in regards to how employees interact with social media. Ms. Stewart advised that personnel policies be reviewed once a year and noted that employment law changes over the course of a year require such a review. She also noted that Federal Administrative agencies also make changes which trigger the review of the city's policies.

With no further legislation, the next item on the agenda was committee reports.

Committee Reports:

Police:

- Chief Allen presented the monthly PD report. He reported that the department is still working theft cases but has been able to close some cases which have resulted in arrests.
- Mr. Kilburn asked about body camera purchase. Chief Allen responded that he will take a recommendation to safety committee. He has been working with Erlanger and Elsmere on a joint purchase of cameras for the three departments. A body camera policy is ready. Will take about 2 months to train the employees and deploy the cameras. Mr. Kilburn inquired about the cost. Chief Allen replied total cost is \$7,200 for both cameras, charging stations and digital storage capacity. Mr. Kilburn made a motion, seconded by Mr. Waugaman to approve the camera purchase with the consent of the safety committee in an amount not to exceed \$8,000. Motion carried by voice vote all in favor.
- Chief Allen informed Council that Matt Hall will be starting as a full time officer at the end of October. Specialist Wendeln is to retire in November and the new hire was needed to avoid a staffing shortage.
- Chief Allen reported DARE is back at River Ridge and is working well. Ms. Koenig asked about which grades are receiving DARE training. Chief Allen responded that its 4th and 5th graders right now and will work in 2nd and 3rd graders.

Safety:

- Mr. Bruns reported that the safety meeting was cancelled due to last week's public hearing at Villa Madonna.
- Mr. Bruns commented that he would get with all committee members and discuss the camera purchases.
- The next meeting is November 10th.

City Engineer:

- Mr. Whitaker Mayor asked that \$600,000 of road work be bid. He reported that bids are ready for release for Sunglow, Windgate, and Palomino panels replacements estimated at \$199,500 to be accepted at the November 18th meeting. Two more bid results will be ready for the December meeting. Mr. Bruns asked about timing of the bids. Discussion followed regarding scheduling bids and the holiday schedule to accept bids. Consensus emerged to have the bids ready for December 9th. Mr. Whitacre stated that the next bids would be for concrete replacement of Valley Trials to (but not including) the Dalewood intersection and Brookville Court estimated to be \$226,000 and asphalt paving with concrete gutter replacement on Damson, Winesap, Macintosh and Pear Tree estimated to be \$172,700. Mr. Bruns asked if the work on Sunglow was new

Sunglow. Mr. Whitacre responded that a lane went bad on the new section like Thirs.

- Mr. Whitacre noted he would have drawings for the encroachment ordinance ready for the next meeting.
- Mr. Bohman asked about if it helps the asphalt contractors to wait to bid asphalt until January. Mr. Whitacre replied that the contractors should be able to quote for the December meeting.

Public Works:

- Mr. Kilburn noted that the minutes of the last public's works meeting had been passed out.
- Mr. Kilburn thanked Buck and Dave for working together to address cracks in the pier on the bridge just past the police station by installing steel bands to extend the life of the structure.
- Mr. Kilburn noted that Mr. Yelton has been working with RLA, a Lockland, Ohio firm, to address drainage issues that cause severe icing in the winter.
- Mr. Kilburn informed the public that the next Public Works committee meeting is November 10th. This meeting was moved due to Veterans' Day.
- Mr. Yelton described the work being done with RLA on directional boring. He noted every location is a different case with a different quote. Will have quotes for the next meeting.
- Mr. Yelton described the work on new Niewahner peninsula. He praised Ammon Landscaping for the work they doing. He noted that the handicap ramps and water is also being installed. Mr. Yelton noted that Mr. Waugaman volunteered to assist with the installation of the electric.
- Mr. Yelton thanked County Engineer Nick Hendrix and the County crew for their help with bush-hogging several overgrown rights-of-way. Mr. Yelton reported that the city received its second salt shipment of the year and the salt bin was full. He noted that Mr. Bohman secured a back-up bid through the county incase the Morton contract is exhausted.
- Mr. Yelton reported that the split rail fence in the city's easement on Lake Leen will be replaced.
- Mr. Yelton noted that Haunted Trails is this weekend and that the department was picking up pumpkins on Friday. He complemented Joe Ciaramitaro for the work he is doing on the event.
- Mr. Yelton thanked Wayne Slusher. He noted that Mr. Slusher's seasonal terms ends at the end of the month and that he is a very good worker seasonal worker.
- Mr. Yelton congratulated Mr. Waugaman and Mr. Ringo on their presentation on the ballot question.
- Mayor Callery noted that Mr. Slusher was a pitcher for the 1962 NCAA University of Michigan NCAA champion baseball team with a 1.61 earned run average (ERA).

Events and Beautification:

- Ms. Koenig reported that Haunted Trails is this weekend, October 24th at the Civic club beginning at dusk. She invited people who needed school service hours to volunteer. She noted that hayrides are scheduled to be available but rain is forecast.

- Ms. Koenig noted that Christmas in the Park is December 5th from 6 p.m. to 9 p.m. at Crescent Springs Community Park. The event is a joint event with the City of Crescent Springs.
- Ms. Koenig reported that Senior Bingo was October 8th. She thanked Holly Isenhour, Sue Bree, Becky Crutcher, and Michelle, Karen, and Ed Nutini for their help.
- Ms. Koenig informed the Mayor and Council that the committee is working with River Ridge PTO on a movie night to be held over the winter.

Finance:

- Mr. Waugaman gave the finance report. Questions submitted by the committee and were replied to by Mr. Bohman and discussed. He reported that the delinquent Vehicle License Fee collection brought in \$3,400 in September. Mr. Waugaman noted five of nine accounts with PNC have been moved to Heritage bank or closed out.
- Mr. Waugaman reported that the legal spreadsheet has been updated.
- Mr. Waugaman reported that the committee recommended the September financial statements be accepted and published on the city's website.
- Next meeting November 16th at 7:00 p.m. at 719 Rogers Road.
- Mr. Kilburn moved that the Financial Statements be approved and published, seconded by Ms. Koenig. Motion carried by voice vote all in favor.

Administration:

- Ms. Vaden reported that tax collection underway and residents can pay at Heritage bank on Buttermilk as well as the City Building.
- Ms. Vaden reported that the administration committee recommended cancelling the regular December Council meeting in favor of moving it to the night of the caucus meeting (December 9th) due to anticipated scheduling conflicts for the December 16th meeting.
- Ms. Vaden noted that Mr. Bohman provided clarifications about difference between the water and sewer line letters residents have received this year.

Recreation:

- Mr. Ringo reported that this month's meeting was cancelled.
- Mr. Ringo noted that end of the season field maintenance is underway. The fields are closed until spring.
- Mr. Ringo informed the Mayor and Council that he met with coaches forming a new Villa Hills league who offered to take care of scheduling all the city's fields.
- Mr. Ringo also commented that he had met with a potential vendor to run the Villa concession stand next year.
- Next meeting is November 12th at 6:30 in Council chambers.

Fire Authority:

- Mr. Ringo gave Fire Authority report.
- Mr. Ringo reported the monthly run numbers.
- Mr. Ringo told Council that the RFP for fire equipment will be released soon. A grant will be paying for the equipment. He noted that all equipment and apparatus used by the Fire Department is owned by the Fire Authority. Only the fire station itself is owned by the fire department.

- Mr. Ringo noted that Squad runs are up. He reported that there are fewer runs to Bromley since they have added more resources. He stated that the Fire Authority is working with the County on billing the subscriptions for the unincorporated areas covered by the department.
- Next meeting is November 16th at 6:00 p.m. at the Firehouse.

City Attorney:

- Ms. Stewart stated she would reserve her report in executive session.

City Administrator Clerk:

- City Administrator/Clerk announced 34% of taxes have been collected as of the close of business.

Mayor's Report:

- Mayor Callery informed Council that Dan Blank from Ross Sinclair will present at the November meeting on municipal bonds.

Old Business:

- Mr. Bohman noted that Mr. Whitacre already updated the Council on the Encroachment ordinance and staff hopes to have the parking ordinance to Council soon.

General Announcements

- Mr. Kilburn offered a special thanks to everyone on Public Works committee for the work they have done on the ballot question issue.
- Mr. Bruns – turn clock back – Maysville fire reminds us to have a working smoke detector.
- There were no comments from the public.

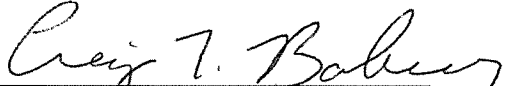
With no further comments, at 9:05 p.m. a motion was made to enter executive session by Mr. Kilburn, seconded by Mr. Ringo. Motion carried by voice vote, all in favor.


At 9:46 p.m. Mr. Bruns made a motion to leave executive session, seconded by Mr. Waugaman. Motion carried by voice vote, all in favor.

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

Time of adjournment was 9:47 p.m.

Respectfully submitted,


 Craig T. Bohman, City Administrator/Clerk


 Irvin T. "Butch" Callery, Mayor