



Special Meeting Minutes February 21, 2018

Mayor Irvin T. "Butch" Callery called the February 21, 2018 special meeting of City of Villa Hills Council meeting (Meeting #668) to order at 6:31 p.m. at River Ridge Elementary School gymnasium, 2772 Amsterdam Road, Villa Hills, Kentucky. Mr. Kilburn gave the prayer and Mayor Callery led the Pledge of Allegiance. A roll call was taken. Those in attendance:

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

Mary Ann Stewart, City Attorney
Craig Bohman, City Administrator/Clerk
Chief Allen, Villa Hills Police
Derick Yelton, Public Works Director
Matt Bogen, Assistant City Engineer
Frank Wichmann, Guest Attorney

A quorum was present.

Approximately 320 people were in the audience. Guest Attorney Frank Wichmann sat as the City Attorney during that portion of the meeting relating to the review of the Administrative Record and during consideration of the zoning legislation. Ms. Stewart sat as City Attorney following the recess taken at 9:40 p.m.

Mr. Bohman read the special meeting notice into the record.

The first item on the agenda was approval of the minutes of meeting #667. Motion made by Mr. Bruns, seconded by Mr. Waugaman to approve. A voice vote was taken, all in favor.

Argumentative-style hearing on the statement of action and recommendations of Kenton County Planning Commission file number PC 1712-0005

- Mayor Callery introduced Attorney Frank Wichmann. Mr. Wichmann outlined the procedure and rules of the hearing, that each side would have 30 minutes and that comments must be limited to testimony and exhibits found in the administrative record of the January 16, 2018 Kenton County Planning Commission public hearing. Mr. Wichmann asked the crowd to avoid jeering during the hearing.
 - Mr. Steve Schletker requested additional time beyond the 30 minutes allotted to opponents to let additional people speak. Mayor Callery granted opponents an additional 30 minutes. Mr. Wichmann stated that people who wished to speak needed to identify themselves.

- Those that asked to speak in opposition include Steve Schlekter, Tom Wenning, Henry Mitchell, Cathy Stover, Jason Stover, Roy Turvey, Josh Blair, Tim Sogar, Don Knecht, Seth Thompson, Sue Bryant-Waddsworth, Bill Lawrence, Lawton Muncy, and Robert Stevens.
- Proponents wishing to speak were Sister Mary Catherine Wenstrup, Forest Gibson, Bill Kreutzjans Jr., Jason Yeager, Jay Bayer, and Beverley Storm.
- Opponents spoke first in regards to the Kenton County Planning Commission recommendations and recapped portions of the administrative record and provided extraneous remarks not found in the January 16th Kenton County Planning Commission Public Hearing.
 - Kathy Stover of Woodcliff stated she has lived in Villa Hills for 38 years and is a former teacher and principal of St. Joseph School in Crescent Springs. She stated that her position gave her much more contact with the public than Council. Ms. Stover said that since December she has walked the streets of Villa Hills collecting signatures for a petition to oppose the development. She stated that the opponents have some support on Council but was denied opportunities to meet with most of the Council and the property owners. She stated that the public was not in favor of the commercial component or the apartment building. Upon review, the City Clerk found opposition to the commercial uses and the apartment building in the administrative record but could not find the petition or references to meetings with Councilmembers.
 - Dan Knecht, Attorney for the DefendVH group, He reminded the Council that local legislative bodies have the final authority in zoning matters. He noted that opposition to the development was fully laid out in the administrative record. He emphasized conflicting testimony given to the Planning Commission regarding traffic, crowding, and other social and economic factors that negatively impact the city. He urged the Council to review the matter as legislators with more knowledge of the community than the Planning Commission and the practical difficulties in funding road improvements required by the proposal. Mr. Knecht pointed out that the size and scope of the project make this a pivotal moment for Villa Hills. He acknowledged Council's decision to hold an argumentative style hearing but urged Council to table the hearing and hold an evidentiary trial style hearing after giving proper notice before the 45-day deadline in the zoning ordinance expires. Mr. Knecht stated that if Council is satisfied with the opposition testimony in the administrative record, then they should vote down the planning commissions recommendations.

Ms. Vaden asked for people to speak slower because she is having a hard time hearing speakers due to reverberations.

- Mr. Schlekter spoke on mobility issues, pointing out that nearly every development approved by the Planning Commission results in traffic bottlenecks. He brought attention to the PDS staff recommendation that the developer follow the traffic study and maintain adequate traffic flow on Amsterdam. He presented a slide that showed the traffic counts and

that Buttermilk had 5,000+ cars per day and Collins had 7,000+ cars per days. Mr. Schlekter pointed out the Levels of Service analysis found in the small area study that traffic on Amsterdam would go from 5,000+ to 12,000+ cars per day. He noted that the small area study required secondary access through Cliffview Court and noted that they are private streets that cannot handle the traffic and residents of Prospect Point are right to oppose such a connection. Mr. Schlekter discussed a roundabout corridor that is mentioned in the small area study and the four roundabouts suggested. He emphasized the small area traffic study noted that Amsterdam is narrow with no shoulders and needs improvement. He noted the city has tried to address the issue through the Northern Kentucky Consensus Committee process. Mr. Schlekter reviewed the city's application to the consensus committee and pointed out the allowable density would increase the population 50% on 5% of the city's land mass. Further he outlined the estimated costs of improvement to Amsterdam at \$10.5 million as found in the city's application. Mr. Schlekter pointed out the traffic study in the small area study showed that current traffic has the Buttermilk Collins intersection at a Level of Service of D and the proposed development would lower that to an F. He reviewed the city's CMAQ grant and noted that the city's portion of grant match would be \$230,000 and noted that it would be unfair to take city road tax money to pay for a project many residents oppose. He noted that the Consensus Committee did not include Villa Hills in its list of 12 projects to promote to the General Assembly for funding. Mr. Schlekter presented bus schedules for River Ridge and noted the resolution to oppose the through street connection to Cliffview Court. He suggested that stopping the connection is in violation of the traffic studies and the recommendations of the Planning Commission and that such alone shows the traffic plan is unworkable. The City Clerk found Mr. Schlekter's comments in the administrative record except for the bus schedules, the Consensus committee project list, and the comments about the draft Resolution opposing the Cliffview Court connection.

- Tom Wenning of Carpenters Trace stated that he was a NIMC (not in my city) and pointed out that he has lived in multiple apartments throughout his life. He noted they served a purpose. He read a portion of section 2.1 of the Villa Hills zoning code where development is supposed to be harmonious and facilitate the visual and historic character of the city and prevent congestion. Mr. Wenning then described the low vacancy rates at the Lofts apartments and stated the 4-acre 187-unit apartment building in the Sanctuary development was 3 times the density of the 13-acre 155-unit Lofts community. He pointed out that the Villa Hills small area study stated 4 story buildings should be in the interior of the development and the proposed location of this building was on its edge, that it was huge and that the parking lot was bigger than Remke's. He noted that the developer had to purchase an additional 50 ft strip of land in order to accommodate the parking lot. Mr. Wenning stated the apartments should not be considered high end since there are no garages to lease. He discussed the parking regulations and described how the large parking lot is still undersized by the current zoning regulations. Mr. Wenning brought attention to local developers' comments in the appendix of the small area

study that commercial would not work due to proximity to existing similar uses near I-75. He then discussed sections of the PUD zoning text that gives Council the ability to impose additional restrictions and requirements on the developer and asked them to do so if they won't reject the plan outright. Mr. Wenning closed by stating that many of the residents opposed to the plan asked the current Mayor and Council to run. He stated they had left the voters down and referenced the petition. He asked Council to not even consider a 1st reading of the map and zoning amendments and stated his belief it should be R1-D like Amsterdam Village. The City Clerk found that Mr. Wennings comments referenced the administrative record except for the size of the Lofts and the local developers' comments.

- Mr. Mitchell of Carpenters Trace raised concern about potential conflicts of interest by elected officials regarding the sale of the Radio Station Property which he contended would be enhanced by the approval of the Sanctuary development. He also described a private meeting between himself, Mr. Kreutzjans and the Mayor where Mr. Mitchell said Mr. Kreutzjans stated that a no vote would devalue the Benedictine Sister's property. Mr. Mitchell discussed an article in the River City News related to the offering for sale of the adjacent Radio Station property and the potential conflict of interest.

Mr. Wichmann stated that he understood that Mr. Mitchell's comments were not related to the administrative record and that the law limited comments to the administrative record of the Planning Commission. Mitchell continued to discuss the sale of the Radio Station property. Mr. Bohman inquired of Mr. Mitchell were in the administrative record such concerns were located. Mr. Mitchell asked to include them as he felt they were important. Mayor Callery reiterated that comments had to relate to the administrative record per state law.

Mr. Mitchell moved on to discuss the fuel pipeline that runs across the property claiming lack of disclosure on its proposed rerouting and the placement of the 20 foot no build easement along the back of the parcels that abut Carpenters Trace. The pipeline issue and the 20 foot no build easement was found in the administrative record by the City Clerk, but the alleged conflicts, references to the River City News article, and conflicts of interests and private conversation were not in the administrative record.

- Mr. Stover Of Lauren Drive stated that he wanted to discuss the petition and those who signed in at the public hearing. He noted that the petition stated that Villa Hills was to remain a single-family home community. Mr. Stover displayed slides comparing the number of signatures on the DefendVH petition opposing the development and the votes received by the Mayor and each member of council in the last contested election.

Mr. Bohman asked Mr. Stover where in the administrative record such information was located and Mr. Stover replied that it was in there multiple times and should be in the administrative record.

Mr. Stover continued by stating that 289 emails against the development had been sent to Council and copied to the DefendVH email account. Further he noted out of the 179 people who signed in opposed to the development at the public hearing, only 23 signed in in support and 16 of them were from the seller or the buyer. Mr. Stover asked where the supporters of the development in the city were? Mr. Stover played a video of Villa Hills resident and former Cincinnati Reds pitcher Bronson Arroyo opposing the development. The City Clerk did not find discussion of the 2014 election, the petition, or the video of Mr. Arroyo in the administrative record of the Planning Commission's public hearing.

- Mr. Schlekter asked to present copies of the petition in opposition to the development for the record and each member of Council. Copies of the petition were received by Mr. Bohman from Mr. Wenning and Ms. Stover.
- Mr. Turvey, owner of property on River Road, stated that he is prevented from talking about the R1-EE zone and River Road and will wait for another council meeting.
- Ms. Bryant-Waddsworth of Amsterdam Road said she is concerned about the proposed roundabout at Niewahner and Amsterdam that would be in her front yard. She stated she is concerned about her ability to sell her home after the installation of the roundabout. Ms. Bryant-Waddsworth asked Council to keep in mind the emotional toll the development is having on her, her neighbors and the people of Carpenters Trace. She stated that she will have to make quick repairs and sell her home by summer and move in with her 80 year old parents on Rogers Road. She wondered where her son would go when he comes from college. Ms. Bryant-Waddsworth stated that one of her students lives at the corner of Amsterdam and Collins and would lose his home. She stated that the extra revenue was not worth the disruption and suggested raising taxes on everyone. She asked Council to consider the personal face of this issue. The City Clerk found discussions of the roundabouts in the administrative record.
- Mr. Sogar of Sierra Drive noted that he served on Council for 25 years and the past mayors and councils have kept the city single family housing only. He stated that the Council should say no to commercial, to office and to the apartments. He urged the City, the developers and the Benedictine Sisters to sit down and come up with another plan. The City Clerk found opposition to commercial, office and apartments in the administrative record.
- Mr. Thompson of Deerfield Court discussed the mixed use proposed on the site. He noted he opposed the apartments but believed that the mixed use would not work on the Sanctuary site. Mr. Thompson reviewed an article from 2014 found in the Louisville Courier-Journal discussing Norton Commons and the owner of Karems Bar and Grill estimated that 70% of his customers do not live in Norton Commons. Mr. Thompson noted that Norton Commons is 600 acres and has 3 schools and a YMCA and a great success. He noted that a smaller version of Norton Commons could not support businesses in Sanctuary. Mr. Thompson discussed the retail uses found most desirable in the Small Area Study and that the study stated that the focus should be on dining establishments. He noted that if Karems could not survive without the 70% of customer outside the

development, the commercial uses in Sanctuary would not survive at all. Mr. Thompson noted that Norton Commons has more than 60 businesses to generate a critical mass. He noted that businesses come in and out of the Ameristop all the time. He contrasted the Sanctuary to the Oakley Station project which is a 70+ acre mixed use development in Cincinnati which sets aside over a half million square feet of office and retail. He then discussed the multiple access points to Norton Commons and Oakley Station but Sanctuary only has one and with the radio station property will have two access point. Mr. Thompson pointed out that both access points go to Amsterdam Road which is far from the main roads and interstate. He stated there was a lot he liked about the development and understood the desire and expected amenities, but the city needs to deal with the geography the city has. He noted that the business are not going to make it. The City Clerk found discussions about traffic, access points, the likelihood of success for commercial uses, the Ameristop, and Norton Commons in the administrative record. The City Clerk did not find references to the Louisville Courier-Journal article or Oakley Station in the administrative record.

- Mr. Lawrence of Lost Valley Court Stated that he supports all the single family homes in the plan. He opposes the connection to Cliffview in the small area study and expressed concerns about the dam that the Home Owner Association maintains which is at 75% of traffic capacity. He also noted that utilities and the school are maxed out. Mr. Lawrence stated he trusted the elected officials and became involved when the development plan was released. Mr. Lawrence stated he has seen many businesses fail at the Ameristop. He also questioned the size of the roundabout that would be needed to accommodate school buses, semi-trailer and the sewer plant waste haulers. Mr. Lawrence stated the roundabouts would require a widened Collins, a relocated Cincinnati Bell switching station, and lake. He concluded with scripture verses, telling the Benedictine Sisters thou shall not covet and then told City Council thou shall not steal in regards to Prospect Point property. The City Clerk found references to Prospect Point, the Ameristop, and roundabouts in the administrative record.
- Mr. Muncy of Wesley Drive stated he was really shocked that Council was even considering this mess. He noted when he moved in 33 years ago that the city was bedroom community and needed to stay that way. Mr. Muncy told Council they would have a lot of votes against them in the next election. He asked for a show of hands of who opposed the development and about 200 hands went up. Mr. Muncy told Council that the new roundabout in Newport is a disaster. The City Clerk found references to the roundabout and support for single family homes in the administrative record.
- Mr. Blair, an Erlanger resident and former Villa Hills resident. He noted he is running for the 63rd State Representative District. He noted that he talks to a lot of people about many issues facing the district. Mr. Blair said this issue comes down to overreach and greed. He stated that while the Sisters have the right to sell their property, the developer to develop it and the city to collect the taxes, the overreach will have dire consequences for the city. The City Clerk did not find references to the

63rd House District in the Administrative record but did find opposition to the development.

- Mr. Stevens of Carpenters Trace stated his objection to the argument style hearing based solely on the record of the administrative record of the Planning Commission and said that if Council intended not to hold a trial style evidentiary hearing that the City had an obligation to tell everyone that there would be no other opportunity to enter evidence into the record, and noted that Mr. Mitchell was not able to enter all his comments into the record. He also noted that Council would be making their decision tonight. Mr. Stevens noted that residents have been hearing for more than a year that this is a done deal. He stated that there has been an enormous amount of ex-parte communication between the mayor, council and the developer and the city needed to produce all of it for review by the opponents and give them time to respond so a full hearing of the issues can be made. Mr. Stevens reviewed the Kentucky Court of Appeals decision *Lexington vs. Houhgram*. He opined that when the proponents spoke they would talk about the process which is disingenuous to suggest that input to the community was received. However, Mr. Stevens pointed out that the mega-apartment building was never presented to the public. He suggested that all of the proposals received by the Benedictine Sisters be submitted for review by the Planning Commission and the Public. Mr. Stevens concluded with a request to protect the safety of the community and stated that traffic is a problem now and adding more traffic will force vehicles onto other side streets. He demanded that the road improvements should be completed before the development begins. Mr. Stevens wondered which street the first serious accident would occur. He asked Council not to let a developer's rush to make millions jeopardize the safety of the community. The City Clerk found references to traffic and opposition to the apartment building in the administrative record, but not the other comments made by Mr. Stevens.
- At 8:05 p.m., after approximately 90 minutes of testimony by the opponents and no additional opponents having requested to speak, Mayor Callery called a recess. During the recess, many opponents of the development left the meeting. The hearing reconvened at 8:15 p.m.
- Proponents spoke in support of the Kenton County Planning Commission recommendations and recapped portions of the administrative record from the January 16th Kenton County Planning Commission Public Hearing.
 - Prioress of the Benedictine Sisters, Sister Mary Catherine Wenstrup, Noted that the Sisters have owned the land for more than 100 years, well before the founding of the city. She noted the many services that have been provided by the order, including schools and the retirement home. She urged Council to support the development which would fund the order's retirement needs. Sister Mary Catherine reviewed the outline of the Sister's process to sell a portion of their land. She noted that the order would stay on the remainder of the land. She noted that a task force was formed, public comment received, and that members of the

order have attended every meeting and read every report. She stated that the Order still owns the land and the sale is contingent on the approval of the development plan. Sister Mary Catherine said the Order supports the plan because it is the product of professional studies shared with 100s of citizens at two public meetings. She noted that the plan calls for walking trails and gathering places as well as the variety of housing designs and price points. She noted that the plan is environmentally friendly with open space and that more trees will be on the site in the future than are there now. She noted that the change is unwanted but it is a normal part of life. In closing she asked for everyone to work together to make the city safe for children and community schools. The City Clerk found comments referencing the Benedictine Sisters and the small area study process in the Administrative record.

- Mr. Gibson of OHM Advisors reviewed the Phase One development plan submitted to the planning commission. He noted that the Small area study pointed out that the development should introduce new housing styles to the city, include open space, have the amenities open to the public, and have a density to support small commercial businesses. He noted that the study specifically mentions mixed use, attached and detached single family, apartments, and mixed use with limited commercial and office. Mr. Gibson noted that the small area study included an extensive public engagement process. He stated the allowable housing units on the site is 750 units and the plan calls for 493. He noted that the small area study recommendations assumed more unit than has been proposed. He described Traditional Neighborhood Design and its ability to provide a range of housing opportunities for many age groups and family types. Mr. Gibson discussed Norton Commons and Mariemont, Ohio. He noted that 191 single family homes cover 65% of the site, open space is 20% and that the proposed apartment building is directly proportional to the existing monastery building. Mr. Gibson stated that the Village Edge large lot single family homes would sell in the \$430,000 to more than \$1 million dollars, the alley-loaded Village General single family homes would sell for \$275,000 to \$450,000, the Village Center attached units would sell for \$250,000 to \$375,000, the Village Center would include mixed use buildings and the apartment building with leases at roughly \$1,300 per month. Mr. Gibson noted that the commercial would be 1200 to 5000 square feet. He noted the location of the open space including the existing tree stand along Carpenters Trace would remain. Mr. Gibson noted that the plan is based on the small area study, is mostly single family residential and includes architectural guidelines. The City Clerk found the Administrative record contained references to all items discussed by Mr. Gibson except for the anticipated price points and the comments about Mariemont Ohio.
- Bill Kreutzjans Jr. of Ashley Commercial Group stated that the Villa Hills small area study is an award winning addition to the comprehensive plan and the proposed development plan puts the small area study in to place. He noted that the plan was overwhelmingly approved by the Planning Commission. Mr. Kreutzjans noted that the plan is high quality. He noted that misinformation regarding the jet fuel line, population change, traffic counts and the cost of improvements are meant to scare people about

the development. He noted 5 hours of testimony at the Planning Commission has laid out all the concerns about the plan and Ashley has addressed them. The City Clerk found comments in the administrative record about the small area study award and the issues pointed out by Mr. Kreutzjans.

- Jay Bayer of Bayer Becker Engineers explained the encroachment permit process requires 4 steps, identify the problems, identify the solutions establish a timeline to implement the solutions and identify funding. He noted that a traffic study is not required at this stage but the developer wanted to get out ahead of the issue. Mr. Bayer noted that the state will need to grant the encroachment permit for the project to move forward. He also described the proposed rerouting of the jet fuel line easement to be along the northern internal edge of the green space. Mr. Bayer stated the purpose of the easement along Carpenters trace is to protect the current residents from having neighbors place sheds right up against their property lines. The City Clerk found discussions of the jet fuel line and the encroachment permit in the administrative record.
- Beverley Storm, Attorney for the Benedictine Sisters, noted that the city commissioned the small area study which went on for more than a year and ultimately was unanimously adopted by Council and sent to the Planning Commission to be included in the Comprehensive Plan. She noted that the Sisters were advised to sell a portion of their land to fund their retirement and the Sisters went to the City and asked what the city wanted. Ms. Storm pointed out that the Sisters paid for a portion of the study. She stated that the Small area study specifically mentions apartment buildings for the Sanctuary site and the development has 35% less units than is allowed by the Comprehensive Plan. Ms. Storm said that the Benedictine Sisters RFP stated that any submittal must adhere to the small area study. In closing Ms. Storm reminded the Council about the Sister's contributions to the region and that Ashley was a good company. She said to deny them the approval of this plan would be great injustice and very unfair. The City Clerk found that the administrative record contained references to all items expect Ms. Storm's closing remarks.
- Following the testimony from both sides, Don Knecht, attorney for the DefendVH group, raised an objection and asked to enter it into the record. Mayor Callery ruled him out of order.
- Motion made by Mr. Kilburn, seconded by Ms. Koenig to close the hearing. Voice vote was taken all in favor.
- Mr. Kilburn requested a special meeting with an executive session to discuss with legal counsel the comments received at the hearing before voting on any issue but suggested a first reading of the ordinances. Mr. Kilburn and Mr. Waugaman stated they would be co-sponsors of the zoning ordinances.
- Council took NO ACTION on the Kenton County Planning Commission recommendations.

The next item of business was legislation.

Legislation:

- **1st Reading and Discussion of Draft Ordinance 2018-A An ordinance of the City of Villa Hills, in Kenton County, Kentucky amending section 10.10 titled PUD (Planning Unit Development) Overlay Zone of the Villa Hills Zoning Code.**

Mr. Bohman gave a first reading and summary of draft Ordinance 2018-A. He noted the proposed text amendment adds additional commercial uses and community garden uses to the zone, prohibits specific commercial uses, and changes the residential off-street parking requirements to allow on street parking to count toward required spaces, and changes the commercial parking requirements to be set by the plan.

- **1st Reading and Discussion of Draft Ordinance 2018-B: An ordinance of the City of Villa Hills in Kenton County, Kentucky, amending the official City Zoning Ordinance to re-zone an approximate 86 acres located on the north side of Amsterdam Road from INST (Institutional) to R-1EE (PUD)(Single-family residential zone with a planned unit development overlay).**

Mr. Bohman gave a first reading and summary of draft Ordinance 2018-B.

Councilmembers addressed the audience regarding the proposed zoning amendments.

- Mr. Bruns thanked the Benedictine Sisters for all they have done and stated they have every right to sell their land. He cautioned the public that this issue is not a slam dunk. He said he has not read all the emails yet, but chastised the residents who stated they would investigate him to determine if he took any bribes from Ashley. Mr. Bruns noted he has not hidden anything in this process, has strong feeling about the proposal, and will vote the way he sees is right. He wished people would not follow rumors and encouraged people to give the Sisters the respect they deserve. Mr. Bruns noted that he has not decided if he is running for re-election. He chastised those who have made comments on social media that are inappropriate and have no place in this debate.
- Mr. Waugaman stated that he has attended every meeting regarding the small area study and the development. He noted that he has read every email, but not responded or met with people based on legal advice. Mr. Waugaman noted that this is not easy for anyone on Council. He addressed the threats and abuse that he has received via email and his thoughts on being turned out of office. He wondered where the misinformation contained in the emails is coming from. Mr. Waugaman outlined Council's authority in the review of zoning matters. He noted that state statutes require the adoption of a comprehensive land use plan and zoning. Mr. Waugaman pointed out that statute requires that development on any site adhere to the comprehensive plan and the zoning of the site; and if a development wishes to change the zoning, it must show that the existing zoning is inappropriate and that the proposed zoning is appropriate. He noted that court rulings state that factual determinations must be made to support the change and that evidence can only be received at evidentiary public hearings. In regards to the proposed development, Mr. Waugaman noted an evidentiary

hearing was held on January 16, 2018 and the planning commission determined from the evidence that proposed map amendment was in agreement with the adopted comprehensive plan and that the existing Institutional zoning was inappropriate. He noted that Council decided to limit its review to the administrative record. He pointed out the issue was if there was substantial evidence in the administrative record to overturn the Planning Commission's findings. Mr. Waugaman stated that there is not substantial evidence to overturn the Planning Commission's recommendations and any decision to do so would not withstand judicial review. He stated he had a duty not to put the City in any legal jeopardy that the city would probably lose if the developer or the property owner sued. Mr. Waugaman stated that the appropriate time to give the city comments was during the comprehensive plan update. He wondered how people could claim that the development was a done deal when the city did not know who the developer was at the of the small area study.

- Mr. Ringo stated that he asks everyone to talk facts. He noted that most of what he has heard has been mis informed and emotional. Mr. Ringo said he understood the emotion based on the issue. Mr. Ringo pointed out that when he moved to Villa Hills in 1982 the city had 1300 housing units and about 3500 people. He stated that 60% of the existing housing units were built after he arrived and those people have slowed his commute. He noted that his home is on the old Krumplemann Farm and many homes in Villa Hills sit on old farms everyone can still name. Mr. Ringo said that those who feel the sister's land should not be developed are wrong, this is just the last farm in the city and the Sisters held out the longest. He noted it is unfair to hold traffic issues against them now. Mr. Ringo noted that the property will be developed one way or another and everyone should pray that the property does not remain Institutional. Mr. Ringo stated that current traffic is enough to justify the road improvements even without the development. He noted that a solution will be identified and the community would deal with it. Mr. Ringo pointed out that the small area study addressed all the issues being raised from traffic to utilities to schools. He admonished those who demanded to know how he feels about the project as he researched the development and sought legal advice. He stated that this meeting is the proper forum to express his opinion on the project. He said following two years of meetings after the Sisters asked the city to make this a community matter, he is 95% supportive of the project. Mr. Ringo noted that the acreage of the apartment building is 5% of the development property. He went on to say that he believes the other 95% provides the city with needed housing with patio homes, townhomes, condos and single-family homes of various sizes and even some apartments in the commercial area along with addressing many of the needs described in the public comments. Mr. Ringo pointed out the commercial square footage allocated in the study is smaller than some homes in the city. He noted that much focus was placed on the placement and types of retail in the study and that the open space and everything else that makes up the 95% results in an exquisite development that he supports. Mr. Ringo stated that he has never struggled so hard with any issue in his life than this one. He said with any other decision 95% would be a no brainer, but

not this one with the apartments and an all or nothing vote. Mr. Ringo noted that he was a member of the taskforce which reviewed many scenarios for the site. He pointed out that in order to maximize the benefit for the community the mixed use designation was selected and there were many discussions, even arguments, about the commercial component, the types of homes needed, and the open space. He noted that at no time was a large apartment building mentioned and assured the public it would have been discussed had it come up. He stated that his belief that the taskforce never intended such a large apartment building for the site. Mr. Ringo noted apartments, lofts and flats are allowed by the small area study and he supports a smattering of them in a development this size. Mr. Ringo said he lived in a duplex for 19 years and that they have a place, however he said the large apartment building being proposed is incompatible with Villa Hills and with the intent of the taskforce. He stated that is the disconnect with this issue and cannot support the apartment building. Mr. Ringo stated that the developer was the last to join this 2 year process and urged him to change the plan to address the concerns of the community before the Council votes on the issue.

- Mr. Kilburn stated that his family has lived in the city for nearly 40 years. He has been honored to serve as their Councilmember. He noted that the Oath of Office requires elected official to follow the law. Mr. Kilburn stated that everyone on Council has struggled with this issue. He noted that Council has followed KRS 100.213 in regards to the Planning Commission finding that the proposed map amendment is in agreement with the Comprehensive Plan. Mr. Kilburn stated that the Planning Commission held a public hearing and found that the existing Institutional zoning is inappropriate and that the proposed R1-EE(PUD) zoning is appropriate with evidence to support their findings on a vote that was 17 in favor and one against with one abstention. He noted that the city is at the end of 3 year process that started in January of 2015 and carried forward by a taskforce that produced the small area study. Mr. Kilburn reminded the public about the 1,000 comments received at two public meetings about the development. He noted that the parcel is zoned Institutional and that the Sisters would be well within their rights to sell it to an institutional user tomorrow. Mr. Kilburn stated the Benedictine Sisters could have sold the land but instead being good neighbors for more than 100 years, they chose to engage the community and he thanked them for that opportunity. He relayed how the Sisters have been good stewards of the land they own and how they treat neighbors. Mr. Kilburn stated deep reservations about the legal ramifications of rejecting the proposal in the face of the compiled record which could jeopardize millions of taxpayer dollars. He said his deepest fear is being in a Kenton County Court room with an opposing attorney reminding the jury that the Sisters engaged with the city and the public and the developer followed the plan adopted unanimously by the Council. Mr. Kilburn pointed out how Council addressed the public's concerns about commercial on Amsterdam Road, step down housing, some high end housing, some limited commercial and open space. He noted that all those issues were addressed and both the property owner and the developer are in

compliance with the adopted plan. Mr. Kilburn noted how legally difficult it would be for the city to defend itself in a lawsuit against the property owner and the developer after this process. He thanked the audience for listening and noted his respect for his fellow council members and the Mayor.

- Ms. Koenig stated that Mr. Ringo did a great job and she agrees with a lot of what he said. She noted that when she served in the 1990's and came back in 2012, Ms. Koenig said she ran on respect: for Council to respect citizens and vice versa. She said she had never been a part of a process like this before. Ms. Koenig pointed out that in the past, the city was the last to know a new development was coming and the city was always catching up, but this was the first time the city got out in front of the issue. She stated that the city was not involved with the selection of the developer, but that city was trying to get all its ducks in a row on infrastructure, utilities, schools, so when the development did occur there would be a safe environment. Ms. Koenig confided that when the Council saw the plan for the first time in late November, everyone was shocked by the magnitude of the apartment building, however it is the developers plan and the Sister's land and they support it. She said that she has seen the ugly side of Villa Hills with the threats, the bullying and the comments in the emails she has received. She asked the residents to call and ask if they have questions and not assume the rumors are true. Ms. Koenig informed the public that she does not respond to threats and bullying but pays attention to those who speak based on facts. She stated that the vote is next week and she does not know how the vote will turn out because it is not a done deal.
- Ms. Vaden stated that when the people of Villa Hills elected Council in 2014 during a turbulent time, they asked Council to bring peace and stability to the city and treat each other with respect and be civil bring pride to the city. Ms. Vaden noted that for the past two years as this process has unfolded she has been listening. She noted that her children attend River Ridge and returning home with incorrect information about what is going on and worries about what impact this is having on our children. Ms. Vaden expressed concern that many people left, who do try to listen, and that they are hearing a distorted version of the facts and she thanked those who have stayed to listen. She stated that she is a nurse and that she values data and evidence-based processes. Ms. Vaden stated that she has heard that if the development goes through crime will skyrocket but as a Safety Committee member she knows that crime in the three multi-family areas of the city has a lower crime percentage than the single-family home portion of the city. Ms. Vaden also took exception to the belief that people who do not live in single family detached housing are less interested, involved or committed to the community than others. She stated that she would not accept that and did not think it was right our children should hear it. Ms. Vaden pointed out that River Ridge has capacity for 1200 students and has 900 currently. She also stated 44% of the children at the school are on free or reduced lunch and suggested that the percentage would drop with the anticipated price point of the property. Ms. Vaden stated that the Council has made roads its highest

priority and noted the amount of road work that the city has done in the past few years. She noted that the opponents got her attention with the amount of delay currently at the Collins Amsterdam intersection and its projection to increase from 26 seconds to nearly a minute. Ms. Vaden pointed out that increase is only 30 seconds in a worst case scenario. She also objected to Villa Hills being called a single-family community with Prospect Point, Beckmore Village and Squire Valley not being detached housing communities and have great value in our community. Ms. Vaden stated that she has heard so much complaining about roundabout that she went to the National Transportation Safety Board website to get true data. She pointed out that the Transportation Department says roundabout reduce vehicle collisions by 37% and have a 75% reduction in injury collisions, 90% reduction in fatality collisions, and 40% reduction in pedestrian collisions. Ms. Vaden stated that the data does not show that roundabouts will be more dangerous for pedestrians. She also noted that roundabouts save money by requiring less maintenance and electrical costs up to \$10,000 per year. Ms. Vaden stated that it is her belief that most residents of Villa Hills can learn to use a roundabout. Another complaint she would like to address is the commercialization of Villa Hills by noting that 0.7%, less than 1%, of the land area is set aside for commercial when fully built out. She said as a free market person the commercial will make or not based on the support of the community. Ms. Vaden pointed out the Ameristop was packed last night selling ice cream and it was awesome to see the community supporting the existing commercial use in the city. In closing Ms. Vaden stated that she appreciates those who have pointed to legal issues as concerns and that this is a difficult issue. She took issue with the starting price points in the development noting she will probably never be able to move there but was happy it was going to be in our community and use the amenities. Ms. Vaden thanked the audience for their attention.

- Mayor Callery stated that he had nothing to add to Council's comments.
- At 9:40 p.m. Mayor Callery called for a recess. Mayor Callery reconvened the meeting at 9:48 p.m.
- **Discussion and consideration of draft Resolution 2018-C: Expressing the opposition of the Villa Hills City Council to a through street connection to Cliffview Court from the future development of the Pathfinder Communication property (aka the radio station property) and expressing support for the Fire Department's desire to have emergency only egress north of the Prospect Point Drive dam onto the Prospect Point property.**

Ms. Koenig asked if this request came from the Home Owners Association. Byron Wolfe and Jaqueline Sawyers from the Prospect Point HOA spoke in favor of the resolution. Mr. Wolfe pointed out that the state has determined that the dam cannot handle the additional traffic load from the new development. Ms. Koenig asked if a gate across any connection would be acceptable. Mr. Wolfe stated that the HOA preferred any emergency access connect to Prospect Point via their storage lot off Silo and noted the presence of a culvert that would make any connection there expensive. Ms. Koenig stated that she wanted it on the record that the HOA wanted this resolution. Discussion followed. Mr. Waugaman noted

that the resolution states that emergency access does not need to be a through street. Mr. Kilburn asked for the HOA to let everyone in Prospect Pointe know that Council passed the resolution. Mr. Wolfe promised everyone would know. Mr. Bruns stated that as a former Fire Chief this has been an issue for quite some time and the biggest concern is a wreck that blocks the Prospect Point Drive. Motion made by Mr. Kilburn, seconded by Mr. Waugaman. A voice vote was taken all in favor.

- **Discussion and consideration of draft Resolution 2018-D: Rejecting all bids received for police cruisers and authorizing the Mayor to enter into a contract to purchase five (5) police cruisers through Paul Miller Ford using the state contract price.**

Motion made by Mr. Kilburn, seconded by Mr. Bruns. A voice vote was taken all in favor.

There being no further legislation, the meeting proceeded to committee reports.

Committee Reports:

Police:

- Chief Bryan Allen noted the monthly police report was distributed in the packets and asked if there were any questions. Council had no questions.

Safety:

- Mr. Bruns gave the Safety committee report.
- He noted that the committee discussed new hires, traffic detail updates, and talked about the budget,
- Next meeting is March 13th at 6:30 p.m.

Engineer:

- Mr. Bogen gave the Engineers report. He noted that the Buttermilk Pike SNK project is ongoing, that he received partial comments from SD1 and received a letter of intent to approve from the Division of Water. Mr. Bogen stated that the engineering costs are \$30,600 to date. He noted that the next phase is easement acquisition for storm water.
- Mr. Bohman commented that due to the language in the 2012 engineering bid easement acquisition was not included so Cardinal will not be able to perform that service due to federal regulations as the grant is federally funded. Mr. Bohman stated that a different firm will need to be hired for that work. Mr. Bruns inquired if the cost of this is in the grant. Mr. Bohman replied it was not but it was covered by the \$400,000 set aside from Council and an additional \$50,000 in KMA has been reserved. Mr. Bohman also noted that SD1 has a 50/50 match program on storm water projects that the city is hoping to participate in.

Public Works:

- Mr. Kilburn gave the Public Works report. He reported that funds have been set aside to cover contingencies in the SNK grant. Mr. Kilburn informed everyone that the Water District water main replacement has begun and is currently a week behind. Mr. Kilburn discussed the need to re-signalize the lights at

Buttermilk and Collins in light of existing traffic issues in addition to proposed developments and that can be accomplished for an estimated \$100,000. Mr. Bohman stated that the state is requiring the re-signalization with dedicated left turn light as a condition of the encroachment permit for the Sanctuary Development. He noted there are also options to incorporate a double left and a split phase with Western Reserve to alleviate traffic accidents at the site. Mr. Bohman said that this is an existing problem that needs to be resolved. Mr. Ringo asked why the state is not stepping up to fix the situation. Mr. Bohman replied that he agreed with the sentiment but that the state is not going to fix the intersection. He noted that the traffic studies show that with three more housing starts the intersection will begin to degrade. Mr. Bohman stated he is working with other entities that use the intersection to lessen the burden on Villa Hills and that he is also exploring ways to pay for the signal out of new taxes from the development and not existing taxpayer funds.

- Next meeting is March 14th at 1:00 p.m. in the Administration Conference Room.
- Mr. Waugaman followed up with Mr. Bohman about the three additional housing starts and if the state can shut down future housing starts. Mr. Bohman replied he did not think the state had that authority because it did not own all the roads in the community and acknowledged that the intersection is an ongoing problem.

Events and Beautification:

- Ms. Koenig stated there is no Events and Beautification report.
- Next meeting is March 5th 6:30 p.m.

Finance:

- Mr. Waugaman presented the Finance Committee report.
- Questions submitted by the committee and answered by the City Administrator/Clerk including issues such as spending money on new equipment in the PD, the side walk program, payroll tax collection, road tax, PD wages, and discussed the fire department budget and the city budget for FY 18/19. He reported that the committee recommended approval of the financials.
- Mr. Kilburn made a motion seconded by Mr. Ringo to accept the financials subject to audit adjustments and post on the city's website.
- Next meeting is March 19th at 7:00 p.m. in Council Chambers.

Administration:

- Ms. Vaden gave the Administration committee report. She reported that the committee reviewed the Z21 document that PDS had done on behalf of 12 jurisdictions. Ms. Vaden noted that the recommend changes include simplifying language to make it easier to understand and that all of the changes are just suggestions. She noted that PDS is working to develop a template of the changes. Ms. Vaden stated that Council would have to decide to make those changes.
- Ms. Vaden reported that the committee reviewed a draft of the River Road study which is meant to try and make the land available for development and noted the biggest obstacle is the lack of utilities.
- Ms. Vaden noted that the committee is set to review the personnel policies. Ms. Stewart stated she was 1/3 of the way through a review with only minor changes. Ms. Vaden stated the committee was also waiting to review the annual salary survey from the NKADD.

- Next meeting is March 7th at 6:30 in the Administration Conference room.

Recreation:

- Mr. Ringo stated there was no meeting in February.
- The next meeting is March 8th at 6:30 in Council Chambers.

Fire Authority:

- Mr. Ringo gave the Fire Authority report. He provided the run numbers. Mr. Ringo noted that the budget was approved by the Fire Authority with a 1.2% increase. He announced the reception for a grant for new thermal cameras and will resubmit the FEMA grant for new radios. Mr. Ringo noted that the cost of the radios are coming in \$100 higher per unit in Kentucky than they are in Ohio without a good explanation why.
- Mr. Ringo reported that the department was recertified for Medicare payments.
- Ms. Vaden asked when the new ambulance was arriving and Mr. Ringo replied July.
- Next meeting is March 19th at 6:00 p.m. at the firehouse.

Public Works Director's Report

- Mr. Yelton gave his report. He stated the city has spent \$33,000 on salt and used 566 tons with plenty in stock. Mr. Yelton said the crew has been working on getting equipment ready for spring, cleaning storm drains and patching potholes, hauling supplies to the ballfields.
- Mr. Yelton thanked 13 school kids from Dixie who needed service hours. They came in on Sunday and washed the city vehicles and cleaned the fence lines at the parks.

City Attorney Report:

- Ms. Stewart reported that she is reviewing the personnel policies and will be providing recommended changes to the Administration Committee. She also noted that oral arguments in the spiking case are next week.

City Administrator/Clerk:

- Mr. Bohman had nothing to report.

Mayor's Report:

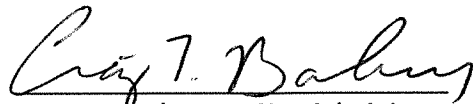
- Mayor Callery had nothing to report.

With no further business, Mr. Kilburn inquired about when the next special meeting would occur. Mayor Callery responded that he would find a date and send out the call. Mr. Bruns inquired if a special meeting is needed to vote on the zoning issue before the 45 day deadline. Discussion followed. Ms. Stewart suggesting hold a special meeting with the expectation to vote at that meeting.

Mr. Bruns made a motion to adjourn, seconded by Mr. Waugaman. Voice vote was taken. All in favor.

Time of Adjournment was 10:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Craig T. Bohman".

Craig T. Bohman, City Administrator/Clerk

A handwritten signature in cursive script, reading "Irvin T. 'Butch' Callery".

Irvin T. "Butch" Callery, Mayor