

**Caucus Meeting
March 13, 2019**

Mayor Heather H. Jansen called the March 13, 2019 City of Villa Hills Caucus meeting to order at 6:30 p.m. at the Dennis M. Stein Municipal Building, 719 Rogers Road, Villa Hills, Kentucky. The pledge was led by Mayor Jansen. Those in attendance:

Mayor Heather H. Jansen
R. Baehner
C. Cahill
S. Ringo
C. Stover
S. Thompson
S. Wadsworth

Bryce Rhoades, Assistant City Attorney
Craig T. Bohman, City Administrator/Clerk
Chief Bryan Allen

A quorum was present.

First on the agenda was Legislation.

Legislation:

1st Reading and discussion on Ordinance 2019-A. An Ordinance amending section 74.32 of the Villa Hills Code of Ordinance to add parking restrictions on Meadow Wood Drive and correct scrivener's errors in sections 74.12, 74.13 and 74.31.

- Mayor Jansen asked Attorney Rhoades to give the 1st reading of Ordinance 2019-A. Mr. Rhoades gave a reading as requested.
- Mr. Baehner reminded Council that the Safety Committee has this issue on its next agenda for a recommendation and has discussed the issue over the last several meetings. He noted that Chief Allen completed a stealth stat survey and found that approximately 1,600 cars per day travel the street along with school buses and now heavy construction equipment which is causing a safety concern.
- Mr. Thompson asked if the restriction would be temporary. Mr. Baehner replied that is the intention but it would be reviewed again for safety before removing the restriction after construction in the Reserves is complete.

The next item on the agenda was a presentation from PDS staff about the "Zoning for the 21st Century" project.

- Mr. Andy Videkovich, Senior Planning Manager from Planning and Development Services of Kenton County gave a presentation on the Z-21 process. He reviewed the history of the zoning code and pointed out that the current code was first adopted in the 1980s and over time differences have been caused by over 500 text amendments in all jurisdictions over the years. Mr. Videkovich described the timeline of the Z21 project and the three phases: phase-I analyzed the existing

codes which is complete, phase II will be to develop a model template code which is expected to be complete by the end of the year, and phase III which is to reorganize the city's code using more graphic and simplified language which would be up to each city. Mr. Videkovich pointed out the PDS is paying for phase I and II. He showed examples of simplification of the text and use of graphics in place of text to make the zoning code more accessible to the public and more user friendly.

- Mr. Videkovich stated the goals of the Z-21 are to streamline processes, standardize formatting, consolidate sections, use tables and graphics to replace text in some cases, consolidate zones, and make the code interactive with hyperlinks. He discussed how currently, various processes are spread throughout the code and are hard to find. Going forward, Mr. Videkovich said that the consultants recommended putting all of the processes into the same section.
- Mr. Videkovich noted that several cities have indicated they are ready to move forward and that working with other cities will make the process more robust and a better use of PDS staff time. He asked Villa Hills to select representatives to serve on a committee with other suburban ring cities to work on the code together.
- Mr. Cahill questioned how to determine the order of which cities were first. Mr. Videkovich stated that PDS staff have not determined which cities will go first and will hold another taskforce meeting to determine that, but hopes to move several cities through at the same time. Mr. Cahill followed up inquiring if Villa Hills was in the first batch of cities would Z-21 be effective here before other parts of the County. Mr. Videkovich replied the process would be about a year before it would go through the adoption process. He indicated that it could be a year and half before the first new codes are adopted. Mr. Bohman stated that he is optimistic that Villa Hills can move quickly on its revision because its existing code is smaller and simpler than others in the County and hopes Villa Hills is in the first set of cities to move forward. He also noted that the Administration Committee is ready to work on the code so that Villa Hills goes to the joint meetings with other cities with its suggested solutions in hand.
- Ms. Wadsworth asked when the earliest the city could move forward if it is in the first group of cities. Mr. Videkovich replied that they hope to wrap up local edits to the blueprint in 2-3 weeks and then the consultants' final edits would take another month.
- Mr. Thompson inquired if the Z-21 process could make the zoning in an area significantly different than what it is today. Mr. Videkovich replied that is a possibility that during the review changes to the zoning map may be made.

With no further questions or comments about Z-21, the next item on the agenda was discussion of the proposed Comprehensive Plan update.

- Mayor Jansen noted that the Administration Committee discussed the Comp Plan update and that the Kenton County Planning Commission delayed consideration of the update until May 2, 2019.
- At Mr. Ringo's request, Ms. Stover discussed the proposed changes the Administration Committee considered. Ms. Stover reported that the committee had concerns about the hillside and water run-off and wanted to find some language to protect the hillside and that the committee suggested a moratorium on zone changes on River Road. Mr. Bohman commented that after discussing

the issue with legal consul that a moratorium is not allowed and Council must consider zoning requests on a case by case basis.

- Mayor Jansen commented that the goal is that with the Z-21 process that the zones can be designed in such a way to tailor the zone to better fit our city and address our concerns with hillside slippage and placement of buildings.
- Ms. Wadsworth clarified that the zoning could be tailored so that no development occurred on the hillside. Mayor Jansen replied that Council can determine the setbacks and design standards. She noted that there are existing floodplain and hillside development controls in place. Mayor Jansen stated that one committee proposal is to memorialize Council's expectations to protect the structural integrity of the hillside.
- Mr. Ringo expressed concerns about driving bad behavior and gave an example of recent development in Park Hills (and Covington) that cause landslides on Amsterdam Road. He stated that he doesn't want to create false expectations.
- Mr. Rhoades explained the zone change process. Mr. Thompson asked what valid reasons to deny a zone change may include. Mr. Rhoades gave examples such as the hill is too steep or what has been proposed is not consistent with the area. Ms. Stover pointed out that developers have placed buildings on slopes that exceed 25%. Mr. Rhoades stated that each case is fact specific and unique so it was difficult to give precise examples without having an actual zone change request to consider. A discussion among Council and staff took place about possible reasons to deny a zone change and examples of arbitrary decisions to avoid.
- Mr. Bohman explained that the current zoning along River Road is very restrictive and prohibits property owners from developing their land. He noted that part of the issue is the lack of utilities and that in order to get utilities to the residents there needs to be more customers to make it feasible for the utility districts to extend service to the area. Mr. Bohman stated that the proposed changes increase the density in order to allow the possibility of development and additional customers but ultimately the property owners and potential developer will have to test the market to see if it is financially viable to develop portions of River Road.
- Mr. Ringo stated that everyone is ok with residential changes but not the commercial aspects of the taskforce report. Mr. Thompson pointed out that the only change in the proposed Comprehensive plan update that won't match the current on-the-ground reality is the proposed western riverfront industrial area.
- Ms. Wadsworth asked how the marina got approved if zoning was all residential. Mr. Steve Coleman of River Road and the former owner of the marina explained that a conditional use process was used to put in the marina. Mr. Bohman replied that the zoning on River Road has changed since the Marina was put in place.
- Ms. Stover asked if the current zoning is RRE and if the current zoning would remain in place until changed by Council, even if the land use is marked as mixed-use, the developer would still need to come to Council for the change. Mr. Rhoades and Mr. Bohman confirmed that is the case. Ms. Stover followed up asking how the city could modify the study. Mr. Bohman stated that the Administration Committee had discussed adopting the River Road study with stipulations that outlined Council's expectations for development on River Road. He also explained the reasons for the study. Ms. Wadsworth asked if adopting the plan provides legal cover to the City. Mr. Rhoades replied that adopting the study would provide the city with a stronger legal case. Mr. Ringo replied that is

why this council should put something on the record. Discussion followed about adding stipulations and using the amended study as a guiding document for the city to have until Z-21 is adopted. Mr. Bohman offered to have draft of the resolution and stipulations for the next meeting.

- Mr. Coleman thanked Mr. Bohman and the taskforce. He discussed recent car accidents on River Road and pointed out that the most stable areas are where the mixed use zones are proposed. Mr. Coleman also discussed the new Madonna Manor expansion and improper drainage. Mr. Brian Wegner of River Road confirmed storm water drainage issues on River Road and called for a plan to address the issues which requires additional attention. Mr. Coleman stated that any developer will install proper drainage. He also noted that the properties around TransMontaigne also have city water and suggested expanding water off that system. Mr. Coleman concluded by blaming road slippage on River Road SD1 who dug a trench line on the bank and installed a high-pressure sanitary line but did not cover it over and compact the trench prior to Markland Dam raising the river level in the 1960's. Mr. Ringo noted that the state doesn't want to pay for any improvements on Route 8. Ms. Stover expressed concerns about the discharge from the Madonna Manor project.
- Mr. John Kerr, Arden Drive, thanked Mr. Ringo for pointing out that Villa Hills has 8,000 residents. He stated that the River Road Study does not represent all 8,000 Villa Hills residents because it was a narrowly focused task force. Mr. Kerr pointed out that any future problems are going to be paid for by all residents. He suggested adapting the plan with stipulations. He stated he is concerned about loss of greenspace on the hillside.
- Mr. Brian Wagner asked for development to be allowed to take advantage of the natural beauty of the river and the hill. He pointed out that without investment the area will become abandoned. He stated that the River Road area is a community within a community. Mr. Wegener reiterated his desire to see River Road developed.
- Mr. Thompson asked what percent is stated owned. Mr. Bohman replied that it was about 1/2 stated owned.
- Ms. Wadsworth expressed the need to find a balance and to compromise.
- Mr. Mike Schleper of Arden Drive stated he has been involved in planning and zoning for 40 years. He noted that if the comp plan says an area should be developed a certain way that there is an 80% chance to have that desired development happen. Mr. Schleper noted that Z-21 is just standardization to help PDS to administer zoning more efficiently. He stated that the process is not conducive for adding new types of zones. Mr. Thompson also expressed concerns about using the Z-21 process to change the zoning. Mr. Schleper stated it would be unfair to use the Z-21 administrative process to change the zoning people expect to be on their property or property next to them. Mr. Rhoades replied that the process would require notifications since it would be both text and map amendments. Discussion followed about the Z-21 zone conversion tables and map amendment processes.
- Mr. Coleman raised concern about lack of notice regarding the Madonna Manor zone change. MS. Stover described the public hearing because she attend the public hearing on the Madonna Manor zone change. Mr. Ringo noted that people in his subdivision next to Madonna Manor received notice. Mr. Bohman stated he would contact PDS to find out who notice was sent to.

- Mr. Wegener thanked the Mayor and Council on behalf of all the interested parties for allowing such open discussion.

The next item on the agenda was discussion regarding the Vacant Properties Review Commission and the Board of Adjustment.

- Mr. Bohman informed Council that both the Vacant Properties Review Commission and the Board of Adjustment lacked enough members to hold quorum. He pointed out that the Vacant Properties Review Commission has very limited duties, barely meets once per year and its only function is to declare properties abandoned so the city could charge a higher tax rate. Mr. Bohman noted that these duties could be shifted to the joint Code Enforcement Board.
- Mr. Bohman explained that a change in state law last year allows cities and Counties to form joint Boards of Adjustments with representatives from each jurisdiction instead of the previous situation where it was all county appointees. He stated that if the city has a functioning board he is in favor of keeping it but that joining the new joint Board of Adjustment is an option.
- Ms. Wadsworth asked what duties the Board of Adjustments performs. Mr. Bohman replied that the Board considers variances to existing regulations (allowing a side yard of 8 feet instead of 10 feet) and appeals of decisions of the city's designated Zoning Administrator. He said that appeals of the Board of Adjustment goes to Circuit Court. Mr. Rhoades pointed out that the Board of Adjustment also grants Conditional Use permits. Discussion followed about the role and process of the Board of Adjustments and the Courts.
- Following discussion consensus emerged to keep the Board of Adjustment and move the Vacant Property Review Commission to the Joint Code Enforcement Board.

The next item on the agenda was discussion regarding the Civic Club Lease.

- Mr. Ringo presented the draft lease to the Mayor and Council and discussed the proposed clause that would require the city to set aside \$6,000 per fiscal year to cover improvements to the ball fields and dam. He stated the Civic Club Board has added a provision to include an escalator clause that increases the annual rent from the city by 2% every five years. Mr. Ringo asked if there was consensus to include the escalator clause and the other members of Council agreed.
- Mr. Cahill asked for the \$6,000 annual rent be explained. Mr. Ringo replied that \$6,000 is kept by the city and accumulated for future projects if unspent. He also noted that expenses over \$1,000 would need both Civic Club and City approval. Mr. Cahill suggested the Recreation Committee be the committee that approves the use of the rent amount that exceeds \$1,000.

With no further discussion about the Civic Club lease, at 8:26 Mayor Jansen recessed the meeting for a break.

At 8:32 Mayor Jansen called the meeting back to order.

The next item on the agenda was the discussion of the draft budget proposal.

- Mr. Bohman stated that there were several challenges in the budget, nearly all are Public Safety related. He pointed out that there was the increase in the Fire Authority budget to cover the cost of adding part-time paramedics to the 2nd ambulance at night which increased that budget by \$50,000 as the city's portion of that increase. Mr. Bohman also explained that the city needs to adjust its salaries for police officers because the city is starting to lose officers to other cities for significant pay increases. He described the current lack of Police Academy slots and how the delay in getting officers through the Academy is problematic for small departments. Mr. Bohman also noted that the city had fallen from the middle of the pack among local police departments in pay to the bottom and in order to prevent the current officers from leaving the salary adjust is required. He also noted that the economy is doing very well and it was easier to find jobs that paid in the \$50,000 to \$60,000 range where applicants don't have to wear a ballistic vest or carry a gun. Mr. Bohman stated that the cost of the adjust is roughly \$60,000. He reported that the total which just these two items is \$110,000 and does not include retirement and medical increases. As a result Mr. Bohman reported that the \$60,000 that was slated to go into reserves every year by the previous Council was used to cover those costs. He pointed to various revenue increases which helped to absorb the remaining balance of those increases. Mr. Bohman also noted that the capital budget set aside was reduced in order to balance the budget, but that the city will be able to make all the required payments on the equipment it is purchasing through lease agreements.
- Mr. Ringo inquired as to the status of the tax rates in the proposed budget. Mr. Bohman replied that it is his job to run the city the best he can with the resources provided so the draft budget does not have any changes to the current tax structure. Mr. Ringo followed up asking about the wish list and how much was unfunded. Mr. Bohman responded that everything that has been requested is either addressed in the current budget or in the draft budget except for the sealing and restriping of the Tom Braun Field parking lot. Mr. Ringo clarified that no additional revenue is needed because he stated he does not want to approve the budget and have something left out and need an amendment a few months later.
- Ms. Wadsworth asked when the Council needed to look at the new Firehouse. Mr. Ringo and Mr. Baehner stated that it would be a few years away. Discussion followed about the process to determine the specifics about the proposed new firehouse.
- Ms. Stover asked when the last property tax increase took place. Mr. Ringo replied last year. Mr. Thompson pointed out it was designated to go to reserves. Discussion followed about costs and the regulation regarding tax increases.
- Mr. Cahill stated the 4% increase generates about \$64,000 per year. He also noted that the Finance Committee reviewed the draft budget and that the annual salary increase is 3% which is higher than recent years. Mr. Cahill noted that the draft budget also proposed a decrease in legal fees which he does not feel is realistic based on his experience. Mr. Bohman replied that the end of the DefendVH suit and the conclusion of the River Road foreclosures should provide enough relief to cover the proposed reduction. Mr. Ringo asked if the Vera Cruz property issue would add costs. Mr. Rhoades replied that he did not believe it would be much in terms of legal bills and noted that spiking case is wrapping up as well. Mr. Ringo said that \$70,000 for legal is fair but it needs to be monitored.

- Mr. Thompson asked if we should have an amount funded to go into reserves amount funded. Mr. Ringo replied that the City should and council should discuss it. He pointed out that Villa Hills is in the middle of the pack of cities in regards to taxes. Mr. Baehner stated he wants to consider diverse revenue streams that have bigger impact on the budget than a 4% property tax increase. Discussion followed about various revenue streams.
- Mr. Ringo requested the Finance Committee make a recommendation on a policy regarding annual tax increases. Mr. Thompson said he would be concerned if the recommendation was to keep it flat. Mr. Bohman noted that the budget is done in a conservative manner and has put money in reserves even when it was not budgeted. Mr. Cahill stated every year was a zero budget and any revenue increase would fall to the surplus and he hoped the city continued to do that. discussion followed about the timing of the first reading of the budget.
- Mr. Thompson noted the decrease in Administration salary. Mr. Bohman replied that the License Inspector position is being eliminated. Mr. Thompson replied that he thought the position brought in more than it cost. Mr. Ringo acknowledged that it did, but that it was a case of diminishing returns and that the big increase in revenue had been recognized. Mr. Bohman noted that those duties are in his position's portfolio and that he could go out and look for unlicensed businesses operating in the city, but would need to find a kinder and gentler method than the License Inspector used. He noted that about one-third of all companies doing business in the city did not have a business license. Discussion followed about various approaches to compliance and enforcement

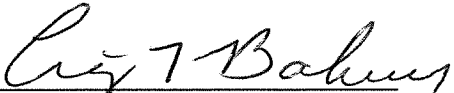
The next item on the agenda was general discussion/other items.

- Mr. Ringo noted that Shadow Night will be held April 17th. He passed out the application from students and asked for elected officials and staff to review and select their shadow March 20th. He suggested inviting the students to committee meetings. Mr. Ringo explained the Shadow Night proceedings to the new council members and noted that while the meeting was a lot of work, it was also a lot of fun.
- Ms. Wadsworth discussed getting a city tee shirt for council to wear while volunteering events where the city golf shirt may be too heavy. Councilmembers agreed that would be helpful. Ms. Wadsworth said it could be paid for from the Events & Beautification budget.
- Mr. Rhoades gave a brief update on 2 code enforcement related issues.
- Ms. Amy Parrot of Deena Drive inquired about the status of the Lake Leen dock. Mr. Thompson replied it was torn down and will be replaced.

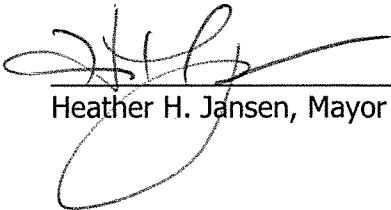
With there being no further discussion or comments, a motion was made by Ms. Stover, seconded by Mr. Baehner to adjourn. Motion carried voice vote all in favor.

Time of adjournment was 9:04 p.m.

Respectfully submitted,



Craig T. Bohman, City Administrator/Clerk



Heather H. Jansen, Mayor