



**Meeting #697 Minutes
June 17, 2020**

NOTICE: Pursuant to KRS 61.826, OAG 20-05, and SB-150(RS2020), the State of Emergency regarding the threat to Public Health presented by the COVID-19 Pandemic this meeting of the Villa Hills City Council met in Chambers and streamed to the public who could not attend due to pandemic restrictions. All Council meetings may be attended by the public by viewing the live stream on TBNK's ToGo channel 2 found at URL <http://www.tbnk.org/togo2>

Mayor Heather Jansen called the June 17, 2020 meeting of City of Villa Hills Council (Meeting #697) to order at 6:34 p.m. at the Dennis M. Stein Municipal Building, 719 Rogers Road, Villa Hills, Kentucky. Council Member Cathy Stover led the Council in Prayer and the Pledge of Allegiance. City Clerk Jennifer Lipson called the roll. Those in attendance were:

**Mayor Jansen
R. Baehner
J. Cahill
S. Ringo
C. Stover
S. Thompson
S. Wadsworth**

**Craig T. Bohman, City Administrator
Jennifer Lipson, City Clerk
Bryan Allen, Police Chief
Derick "Buck" Yelton, Public Works Director
Matt Bogen, City Engineer
Mary Ann Stewart, City Attorney**

A quorum was present.

The first item on the agenda was approval of the minutes of the May 20, 2020 Council meeting.

- A motion was made to approve by Mr. Baehner with an amendment on update of Shadow Night, seconded by Mr. Cahill. A roll call vote was taken 6-0 in favor, motion passed.

The next item on the agenda was approval of the minutes of the June 10, 2020 Caucus meeting.

- A motion was made to approve by Mr. Cahill, seconded by Ms. Stover. A roll call vote was taken 6-0 in favor, motion passed.

Legislation:

• 2nd Reading and approval of draft Ordinance 2020-D (version 2 as amended)

Ms. Stewart presented a 2nd Reading of draft Ordinance 2020-D (version 2 as amended), an Ordinance for the City of Villa Hills, Kentucky Pursuant to KRS 91A.030(10) for the Fiscal year beginning June 1, 2020 through June 30, 2021, by estimating revenues and resources and appropriating funds for the operation of city government and providing that no monies shall be expended by or on behalf of the City of Villa Hills except in accordance herewith.

There was discussion on the increase in property tax revenues for 2020. Council had previously discussed leaving the tax rate the same as 2019 at 0.230 rate. The increase comes from increase in property values, due to the recent valuation performed by Kenton County Property Valuation office. Tax amount will increase to any properties where the property value went up.

Amend with ordinance to add:

Whereas, in the interest of flexibility and stability in uncertain times due to the COVID-19 Pandemic, the Villa Hills City Council desires to combine all General Fund departments without disturbing designated funds and intends to return to departmental budgeting upon the termination of the pandemic emergency.

Mr. Cahill made a motion, seconded by Mr. Baehner to approve the budget, as amended. A roll call vote was taken as follows:

| | | | | | |
|-------------|---|--------------|---|---------------|---|
| Mr. Baehner | Y | Mr. Cahill | Y | Mr. Ringo | Y |
| Ms. Stover | Y | Mr. Thompson | Y | Ms. Wadsworth | Y |

This will become Ordinance 2020-9

• 2nd Reading and approval of draft Ordinance 2020-E

Ms. Stewart presented a 2nd Reading of draft Ordinance 2020-E, an Ordinance for the City of Villa Hills, in Kenton County, Kentucky, Amending the City’s Budget and Ordinance 2019-4, By combining the Administration, Contract Services, Events & Beautification, Police, Public Works, and Recreation Department Budgets. This is an Amended Budget Ordinance for the City of Villa Hills, Kentucky Pursuant to KRS 91a.030(10) for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020, by estimating revenues and resources and appropriating funds for the operation of city government and providing that no monies shall be expended by or on behalf of the City of Villa Hills except in accordance herewith.

Ms. Stover made a motion, seconded by Mr. Cahill to approve the budget amendment. A roll call vote was taken as follows:

| | | | | | |
|-------------|---|--------------|---|---------------|---|
| Mr. Baehner | Y | Mr. Cahill | Y | Mr. Ringo | Y |
| Ms. Stover | Y | Mr. Thompson | Y | Ms. Wadsworth | Y |

This will become Ordinance 2020-10

• 2nd Reading and approval of draft Ordinance 2020-F

Ms. Stewart presented a 2nd Reading of draft Ordinance 2020-F, an Ordinance for the City of Villa Hills authorizing the Mayor to enter into an Interlocal Cooperation Agreement with the City of Crescent Springs to extend the police services contract through June 30, 2030.

Mr. Baehner made a motion, seconded by Ms. Wadsworth to approve the Ordinance. A roll call vote was taken as follows:

| | | | | | |
|-------------|---|--------------|---|---------------|---|
| Mr. Baehner | Y | Mr. Cahill | Y | Mr. Ringo | Y |
| Ms. Stover | Y | Mr. Thompson | Y | Ms. Wadsworth | Y |

This will become Ordinance 2020-11

- **2nd Reading and approval of draft Ordinance 2020-G (as amended)**

Ms. Stewart presented a 2nd Reading of draft Ordinance 2020-G (as amended), an Ordinance Amending Section 30.37 of the City of Villa Hills Code of Ordinances Revising the Schedule for Council Committee Meetings.

Ms. Stover made a motion, seconded by Mr. Thompson to approve the amendment. A roll call vote was taken as follows:

| | | | | | |
|-------------|---|--------------|---|---------------|---|
| Mr. Baehner | Y | Mr. Cahill | Y | Mr. Ringo | Y |
| Ms. Stover | Y | Mr. Thompson | Y | Ms. Wadsworth | Y |

This will become Ordinance 2020-12

- **Consideration and adoption of draft Resolution Order 2020-C**

Ms. Stewart presented a Resolution of the City of Villa Hills, Kentucky ("City") authorizing the filing of a Coronavirus Relief Fund ("CRF") application for reimbursement of incurred expenses in the CRF Funds with the Department for Local Government ("DLG"); authorizing and directing the Mayor to execute any documents which are deemed necessary by DLG to reimburse the City; and authorizing the Mayor to act as the authorized correspondent for reimbursement.

Mr. Cahill made a motion, seconded by Ms. Stover to adopt the Resolution. A roll call vote was taken as follows:

| | | | | | |
|-------------|---|--------------|---|---------------|---|
| Mr. Baehner | Y | Mr. Cahill | Y | Mr. Ringo | Y |
| Ms. Stover | Y | Mr. Thompson | Y | Ms. Wadsworth | Y |

This will become Resolution 2020-3

Committee Reports:

Police:

- Chief Allen gave the Police Report
- Chief Allen gave the monthly run, crimes and accident numbers.
- Chief Allen advised Council that they had been giving Speeding citations on many of the roads detouring around the Buttermilk construction. Chief Allen informed the public that the citations being issued are a starting cost of \$154 for speeding and asked that drivers be mindful of their speed. Police are in the areas because they receive complaints and calls of concern from residents along those roads. Kenridge, Sunglow, Rogers, Crossings, and Meadow Wood have received a lot of complaints.

- Onexx has been doing well, and has continued with his training.

Safety:

- Mr. Baehner advised that they met on June 9th in the Council Chambers.
- Mr. Baehner advised that COVID-19 Protocols for officers have them doing temperature checks twice per shift. Any suspected exposure the officer will self-quarantine.
- Committee discussed the renewal of the police contract with Crescent Springs, which was voted on earlier in the meeting.
- Mr. Baehner advised that the new radios have been tested and Kenton County should be live with the new radios by the first of August.
- Mr. Baehner brought up discussion on the Transmontaigne application and acknowledged that there are many residents voicing concern over the application. Board of Adjustment is scheduled to meet for a hearing on July 7, 2020. Information on how to attend, where to attend, and virtual sign up is still being worked out and will be released by June 23rd.
 - Mayor Jansen advised residents that are looking for information from the City office, that they city has not received the information yet. They are still waiting for the information from PDS. The City is due to receive that information on June 23rd, two weeks prior to the hearing. When the City receives information, we will put information on Facebook and the City's website. Maximum capacity that will be permitted is 50 people, however the City does not have a facility capable of holding 50 people and the schools and Madonna Manor are not options due to the Coronavirus pandemic.
 - Attendees that may be present in Chambers will be the Board of Adjustment members, City Administrator, City Clerk, Applicant and representatives from PDS. The Public Works garage will be opened, but will be limited capacity of 20-30 people.
 - The hearing will be teleconferenced on WebEx, and individuals can sign up to speak on a first come, first serve basis, with up to 100 in attendance. Timing may be limited. The City is aware that there are strong emotions for and against the request and the City requests that those wishing to speak, to bring constructive, objective information. Potential that some or all of the Board of Adjustment members may also be teleconferenced for the meeting.
 - Concerned citizens are encouraged to submit the information they wish to share with the board members in advance. Emails are already coming in and every one of them will be presented to the board members.
 - Current storage on the property consists of Bio-diesel, fuel, and cooking oil. The proposal is to store styrene and other flammable materials as a conditional use.
 - Planning and Development Services (PDS), is the City's zoning administrator, they are guided by zoning code of the City. Their recommendation is from an administrative standpoint only.
 - Police Department and Fire Department did not give ok to move forward, there has been a lot of questions in this regard. The Police and Fire Departments with emergency management gave their input, on whether the departments are able to handle an emergency at the location.
 - Questions have been asked about whether they are already preparing the storage tank for the styrene. Currently routine maintenance work is being performed at the location, on all of the storage tanks.

- Board of Adjustment members have been asked not to be involved in community discussions. The information they base their decision on should be limited to the information presented at the meeting. They cannot be individually contacted, they must be unbiased going into the meeting. The Board of Adjustment members must maintain focus on records at the hearing and must make their decision based on what is presented at the meeting.
- Police Use of Force Policy was reviewed by the Committee, the committee is very confident that the department has a solid policy in place. Chief Allen advised that the department had reviewed their Choke Hold Policy and had a Policy review earlier this year for accreditation. The current Choke Hold Policy is in line with federal and state guidelines. All current officers have been through the update.
 - Mr. Baehner read an email reply sent to a concerned resident regarding the department's Use of Force policy. The department will not remove the Choke Hold Policy, an officer needs to have options when he/she is in a fight for their life or when protecting lives of others. A copy of the policy will be posted on the police page.
- Safety Committee will have their next meeting on July 21st, there is a conflict on the 14th.

City Engineer:

- Mr. Bogen presented the City Engineer's report
- Mr. Bogen gave an update report to Council on the Buttermilk Pike Project. He advised that there was a small area that had to have subgrade stabilization in Phase 2.
- Mr. Bogen advised that he and Mr. Yelton will be meeting with Riegler and Sebree to discuss the work at Buttermilk and Meadow Wood.
- Mr. Bogen advised that Michels was out on Lakeshore and Phase 1 curbs are completed. Aprons removal will begin next week, weather permitting. They are preparing to bid out Phase 2, with an October 2020 completion date.
- Mr. Bogen advised that the Surface Condition Survey is wrapping up in Kenton County and we should receive a report in the next few months.
- Mr. Bogen discussed 2 cost-share projects being worked on with SD1. The first is at Stevens and Deena and is an ongoing drainage problem. The 2nd is at 866 Wesley, there was a wet area that was saturated all the time, this is believed to be a natural spring. This issue is near a transformer and they have reached out to Duke to work on this as a joint project due to the utilities.
- Mr. Bogen advised that there are changes being made to the review process for the 50/50 cost share program with SD1. They have developed a more formal review process and it will involve more work on the front-end from cities.
- There was a question about whether it was anticipated to have any additional subgrade issues on Buttermilk. Mr. Bogen felt that they may still find a small area or 2 in Phase 3, but he didn't feel it would be the same issue that was found in Phase 1. Anticipated that the Phase 2 area should be completed in about 2 weeks, depending on weather, then Phase 3 will begin. Approximately 2 months until the project is completed.

Public Works Committee:

- Mr. Thompson reported that complaints have been received about roadway repairs on Felice Drive. There was discussion about who is responsible and what can be done.

- Mr. Thompson advised that there was a request from Rumpke to pick up trash earlier to avoid construction – he was uncertain of exactly what area they are referring to. Staff has reached out to Rumpke to find out an exact location, but advises residents to set their trash out early, in case they are in the area that Rumpke is requesting to service early.
- Mr. Thompson advised that the Phase 2 of Lakeshore was pending the FY 2020/2021 Budget, waiting to make sure the City has the funds before they advertised, but they now feel the funds will be received in time.

Public Works Director:

- Mr. Yelton gave the Public Works Director's Report.
- Mr. Yelton advised his department has been cutting grass, and maintaining ballfields. Civic Club has a couple trees that they are working with them to get removed, as they are dead and a potential hazard.
- Mr. Yelton is checking with the County to see when they will be in the area to assist in completing striping of the crosswalks. They will also stripe the speed humps next week and install proper signage.
- Mr. Yelton advised that he hasn't received many complaints on the work being completed on Buttermilk, Lakeshore, and Lake.
- Mr. Yelton advised there was a water main break on Woodbury at Squire Valley and that the repairs were started this date by the water department.
- Mr. Yelton advised that Public Works has removed landscape at 643 Rogers. They are also working with Garden Club and Raymond Landscaping at the city sign.
- Mr. Yelton advised that park restrooms cannot be opened until the city is able to follow the Governor's guidelines. He had done research on sensors for toilets and urinals, which will be \$498 each, touchless hand dryers run between \$100 - \$300 each. Still needs to get a price for automatic faucets.
 - Ms. Stover suggested looking into a kaivac machine for cleaning restrooms.
 - Mr. Ringo told Mr. Yelton, if he still has money in his budget to go ahead and start equipping the restrooms with the touchless equipment at the Villa field. Restrooms at Franzen are the Civic Club's responsibility.
- Mr. Stewart advised that under statutes, the City is immune to liability of illness, unless there is a lack of maintenance at the facilities. She was unsure if this would change with COVID-19. Ms. Stewart recommends the city follow any and all of the governor's orders. Follow others leads and don't be the one taking a risk. By adhering to best practices, you reduce liability.
- Discussion that parent and guardians need to realize that allowing or taking their children to playgrounds and public restrooms, it is a personal responsibility, as they should know the risk. It was recommended that the City go with as much touchless as possible and also post signs to use at your own risk with a reminder of COVID guidelines.
- It was noted that these supplies may be eligible for FEMA money and that they should be submitted as such.
- Mr. Yelton followed up on the Felice Drive discussion – there is approximately \$50,000 in panel replacement work that needs to be done. Homes are still being built, and the city is waiting for 80% of area to be built out. The street was turned over to the City already, normal process is that the street can be turned over 45 days after the plat is signed by the chairman of the planning commission.

Events & Beautification:

- Ms. Wadsworth advised that the committee met in June.
- Inspirational signs was a success and families were appreciative of the prizes.
- Ms. Wadsworth that in lieu of the staff appreciation luncheon, employees will receive a gift card to either Skyline or LaRosa's.
- Ms. Wadsworth advised that MusicFest and Christmas in the Park have both been cancelled by Crescent Springs.
- The committee is moving forward with plans for Haunted Trails in October, since it was cancelled last year, they have most of the supplies.
- The committee is looking at a new virtual contest. They are also still looking at having the Citywide yard sale in September.
- Next meeting will be July 6th.

Finance:

- Mr. Cahill advised the committee met in person on Monday night, while social distancing and wearing masks.
- Mr. Cahill reviewed the May Financial Statement. Mr. Cahill made a motion to adopt the May 2020 Finance Reports and publish to the website, second by Mr. Ringo. All were in favor, motion passed.
- He advised the City is anticipating a cash flow issue due to real estate taxes being delayed this year. There is also a potential that grant reimbursements from the state for Buttermilk Pike could be delayed.
- The City is looking at potentially obtaining a line of credit at the bank the city uses, if needed.
- The committee is also looking to potentially move money into the KLC Investment Pool.
- Next scheduled meeting is July 13th, and the meeting will be held in Council Chamber.

Administration:

- Ms. Stover advised that the committee did not meet.
- Next scheduled meeting is July 1st, but they currently have no agenda. If nothing is received from PDS prior to then, that meeting will be cancelled.

Recreation:

- Mr. Ringo advised that the committee did not meet in June.
- Mr. Ringo advised that baseball teams are back on the fields for practice. Games can start June 29th. Low contact sports follow these guidelines.
- There has been little guidance given on high contact sports like football. Practices may resume on June 29th, but unknown on competition. Villa Hills is following the Health Department and Governor's guidance.
- Mr. Ringo advised the committee will not meet in July.

Fire Authority:

- Mr. Ringo gave a report of runs for the month and year to date. He noted that the run volume is still down nearly 50%, therefore revenue from insurance billing is down.
- Mr. Ringo informed Council that the Fire Authority voted to approve a bonus pay for individuals who worked from March 1st through March 31st to cover shifts that needed to be filled for some of the part-time staff who was suddenly unable to work, due to

their primary employer not allowing outside employment. The bonus would be \$12,000, and they are asking the two cities to cover this at the normal 60/40 split. Villa Hills' portion will be \$7,200.

- Motion by Mr. Ringo to reimburse the Fire Authority for the City's portion of the \$12,000 in bonuses. Seconded by Mr. Baehner, All were in favor. Motion passed.
- August 5th is the date that Fire Department radios will be online. They will work with tandem radios (old and new) for one week, then fully transition to the new system.
- 5 new sets of fire gear were ordered
- New ambulance review committee has been put together to prepare for new ambulance in 1 – 1 ½ years.
- A house on Woodhill had fire damage.
- Firehouse Committee is being established for design and legal purposes. Villa Hills passed an Executive Order and the committee will start meeting as soon as possible.
- Next scheduled meeting is July 20th at the Firehouse.

City Attorney:

- The City has filed the reply brief in response to Kentucky Retirement Systems brief to the Supreme Court. The timeframe remains unknown on how soon a decision will be made. Normally a ruling might take 6-8 months, but it could be another year before there is a ruling.
- Property on Vera Cruz with existing lien will have grass cutting costs added to the lien. This also will take a while to be resolved.

City Clerk:

- Ms. Lipson reported to Mayor and Council that the first application for the Coronavirus Relief Fund was submitted on June 16, 2020.

City Administrator:

- Mr. Bohman advised that we have received numerous calls for Code Enforcement complaints. With SB 150 in effect, until the governor says the state of emergency is over, the bill has completely suspended code enforcement citation processes. Notices can be sent, but citations cannot be issued. If the property is vacant or abandoned, the city may be able to address the issue, but can only do so once or twice, due to limited resources. The good news is that there are only a few problem properties, but the City cannot legally do anything currently.
- Mr. Bohman advised that he spoke to Bill Deters at the Buttermilk Post Office. For those affected by the work on Buttermilk with mail delivery, the post office can hold their mail for pick up, or work with them on getting a temporary PO box. For trash and recycling services, the public works department has been moving cans to side streets for pick-up, then returning cans to the property. Homeowners are encouraged to help by moving their cans to the side streets, they are starting as early as 5:30.
- Mr. Bohman advised he has contacted the current auditor for a proposal for the audit later this year
- Mr. Bohman has contacted Duke about moving forward on the franchise agreement, but Duke Energy contact is not back in the office and we will hear back next week.
- Mr. Bohman advised that he spoke with Boone County regarding their parks. Boone County is using a certified cleaning company every other week to clean parks. He is awaiting contact information, to see what they can offer and pricing. Health Department is advising that parks and restrooms need to be cleaned several times per day. Boone County restrooms are not touch free.

Mayor's Report:

- Mayor Jansen did not have anything to report.

Old Business

None

New Business

None

General Comments

None

Public Comments

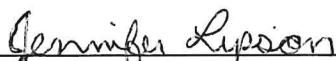
Mr. Bohman addressed Mayor and Council with an email he had received from Mr. Steven Schletker. Most of Mr. Schletker's questions or concerns had been answered throughout the meeting, but there was a part that needed to be addressed. Mr. Schletker inquired on what types of items can be stored in the zone where Transmontaigne is located. Mr. Bohman read the approved and conditional uses allowed in the I-4 Zone. The tanks at Transmontaigne were installed in the 1950's, the City was incorporated in 1962, River Road was annexed in the 1970's; the zoning code was effective in 1981. The existing storage of fuels was grandfathered in, as it existed prior to codes being effective. For information, it was pointed out that Styrene is carried up and down the river daily.

There was no further discussion.


At 8:35 p.m. a motion was made by Mr. Ringo, seconded by Mr. Cahill to adjourn. A roll call vote was taken, all in favor.

Time of adjournment was 8:36 p.m.

Respectfully submitted,



Jennifer Lipson, City Clerk



Heather H. Jansen, Mayor