

**MINUTES OF A MEETING
OF THE BOARD OF COUNCIL OF THE
CITY OF FORT THOMAS,
CAMPBELL COUNTY, KENTUCKY, ON
MONDAY, AUGUST 20, 2018**

Mayor Eric Haas called the meeting of council to order at 7:00 p.m. on Monday, August 20, 2018 in the Council Chambers of the city building. City Clerk, Melissa Beckett called the roll and the following council members were present: David Cameron, Ken Bowman, Lisa Kelly, Jeff Bezold, Roger Peterman and John Slawter. Staff members in attendance included: City Administrative Officer Ron Dill, City Clerk Melissa Kelly, Assistant City Administrator/Finance Director Joe Ewald, City Attorney Jann Seidenfaden, Fire Chief Mark Bailey, and Police Chief Casey Kilgore.

Mayor Eric Haas led the Pledge of Allegiance to the flag.

Minutes

The minutes from the July 16, 2018 meeting were presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Bezold to approve the minutes as written. Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman and Mr. Slawter. Voting “no” none. The motion passed by unanimous vote.

Visitors and Communications

Mayor Haas presented new Police Chief Casey Kilgore with his badge and congratulated him. Casey’s wife Lauren pinned it to his uniform. The city welcomes him!

The trophies from the 4th of July parade were presented to the winners. The winners are as follows:

Best Represents the Theme – (1st Place) Ft. Thomas Education Foundation

Most Original – (1st Place) Ft. Thomas Forest Conservancy
(2nd Place) H/R Real Estate
(3rd Place) Dance Realm

Most Entertaining – (1st Place) Commonwealth Artists Summer Theater
(2nd Place) Belledance
(3rd Place) Syrian Shrine of Cincinnati

City Attorney Jann Seidenfaden described the reasoning why council must have another first reading of Ordinance O-20-2018 regarding the text amendment to the zoning ordinance. The transcript was not approved in final form prior the last council meeting so the process could not be started. The second reading will be on Tuesday, September 4, 2018. She indicated that a text amendment and a map amendment are two different processes and explained both. Jann noted that council cannot take additional comments on either the text amendment or the map amendment that are both getting first readings at this meeting.

Tim Hodory from 18 Hawthorne Avenue noted that there was not fair notice to the property owners and in the state of Ohio all abutting property owners are to receive a notice. Jann noted that in Kentucky the certified mail to abutting property owners is required for a zone change, however, for a text amendment there is no notification required to abutting property owners because it is not specific to a particular piece of property.

Mayor Haas noted that the Law Labor and License Committee will be meeting to address better ways to get notice to the public.

Mr. Hodory noted that he was not aware of the June 20th meeting of the Planning Commission and because of this was not able to voice his concerns. Ron Dill reiterated that there is not a statutory requirement in Kentucky to notify abutting property owners of a text amendment. If there is a zone change considered by the planning commission, the abutting property owners would be notified of the public hearing in accordance with state statute.

Rachel Stultz from 87 Hawthorne Avenue stated that she wanted to address appearances in their neighborhood, specifically high grass, weeds and neglect to buildings. She asked who was in charge of regulating weeds and neglected properties. Mayor Haas noted that we have a zoning administrator that would address these properties and look into it but it also helps for residents to make the city aware of these issues. She then asked if the city had a city plan and when it was last updated. Mayor Haas indicated that the city is currently working on an update to our Comprehensive Plan. There is information on the website <https://ftcommunityplan.com/>.

Matt Fry of 3029 8 Mile Road, Melbourne, Kentucky addressed council. His family has had a business in Fort Thomas since 1973. He is involved in NKU Student Government and a part of the plan this year is to be more fiscally engaged. Mr. Fry invited the Mayor and council to a debate between Wil Schroeder and Rick Roberts that will take place on October 2, 2018 at 6 p.m. in the Student Ballroom at NKU. He would love to see a packed house for this event.

Tom Morrison of 96 Hawthorne Ave. addressed council. He spoke to the process of restricting dialogue at meetings. Mr. Morrison asked why the rules are in place that allow only input from the minutes of the meeting for council to consider. Mr. Morrison had contacted the Mayor of Erlanger, Tyson Hermes and discussed their policy on public comment. Mayor Hermes noted that they do allow dialogue from the public after a commission meeting. Jann noted that KRS specifically addresses that Planning Commission will have a hearing and their recommendations will be considered by council and either approved or disapproved. Jann also stated that the Planning Commission or Council does not have another hearing, there is case law on this matter. Council is expected to remain focused on the original hearing. Mr. Morrison feels this is a stretch of the "sunshine law" by council. Roger Peterman noted that there must be an orderly process in making any decision. The process was established by the General Assembly to be fair for a reason.

Tim Hodory noted that there should have been a meeting before the meeting in June so that citizens were more informed and understood the process. He noted that if it doesn't come in the mail, he doesn't go to the website for information. He also indicated that there should be some sort of change to notifying the public. Mayor Haas said that there was an article on the project done prior to the hearing and we are looking into options to improve the notification to citizens.

Barb Jungling of 1111 Alexandria Pike asked about the transcript. She noted that the city indicated that "we" are the applicant. Ron Dill indicated that statutory language mandates that the planning commission or council are the bodies that would initiate the amendment. There is a

full month's notice before setting a public hearing. She also noted that at the planning commission meeting the text was described as being too restrictive. It was explained that the commission works with the city staff to put together the language of any proposed amendment. She questioned why it was not tabled by the commission and noted that two members would have liked to see this done and that council should take this into consideration.

Mary Healy from 110 Hollywoods addressed council to discuss the south side of the city. She thanked city council for what they do for the city. She feels the south side has been shortchanged in many respects. She noted that they do not have any planters, benches or hanging baskets like other areas of the city. She indicated that in the visioning meetings the CBD and the Midway were talked about most and the southern end of the city was not mentioned other than from herself. The timing might not be the best for the money and time spend on the visioning to approve a potential text amendment. The south end wants a safe, quiet and beautiful neighborhood and this must be taken into consideration by city council.

Martha Coffman of 64 Hawthorne Avenue addressed council. Ms. Coffman indicated that she was there to talk about the love of the city. She wants council to reflect on the vision on what our town is and the plan that they have for the city as a whole. Ms. Coffman showed photos of the subject property and asked that council consider these photos and what neighborhoods would be open to commercial buildings. She questioned on whether the city's budget is equally allocated to each area of town. She also asked that council look at the type of enterprises we want to allow in our town and should be looked at from every area of the city and to do what is best for all.

Kyrie Rightman of 49 Rainbow Terrace is a student at Highland Highschool. She noted that we have great opportunities in the city. She said if we have great festivals, and it's a family friendly town, why would we consider this text amendment.

Reports of Officers

Fire Department Monthly Report for July: Chief Mark Bailey: Chief Bailey presented his monthly report for May to council. A motion was made by Mr. Bezold and seconded by Ms. Kelly to receive and file the fire department's monthly report. Upon call of the roll, the following members voted "aye": Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman and Mr. Slawter. Voting "no" none. The motion passed by unanimous vote.

Police Department Monthly Report for July: Chief Casey Kilgore: Chief Kilgore presented the monthly report for May to council. A motion was made by Mr. Bowman and seconded by Mr. Bezold to receive and file the police department's monthly report. Upon call of the roll, the following members voted "aye": Mr. Cameron, Mr. Bowman, Mr. Bezold, Mr. Peterman and Mr. Slawter. Voting "no" none. The motion passed by unanimous vote.

City Administrators Report

Pedestrian Safety Initiative: As you will recall, the City has pursued the installation of additional flashing beacon signage at crosswalks in the CBD and school locations located on state routes. The KY Department of Transportation (KDOT) did not recognize/authorize these devices in their approved sign guidelines therefore we could not pursue placement on state right of way. We have maintained contact with KDOT officials over the last three years and there has

been some political support of this initiative as well, noting councilmember David Cameron for his efforts with state officials.

We recently received notification from the KDOT District 6 Chief Engineer that this program could be implemented at the locations we have submitted for consideration. The City will have to submit for formal applications for approval of each location and incur the purchase and installation costs.

This development will allow the city to move forward with this important safety initiative within the city.

We have appropriated funds in the Capital Street Program each year in anticipation of this potential project. Staff will proceed with formal applications through KDOT.

Visioning/Community Plan Update: The consulting team is working on the final draft for the entire plan document. Each of the six sections of the plan are being considered by the respective committees in meetings this month. The tentative schedule is for the Goals & Objectives to be presented and considered by the Planning Commission at their September Meeting. Additionally, they will review the final draft at a subsequent meeting in September. At their regularly scheduled October meeting, our consulting team will do public presentation. Council will receive recommendation of the Comprehensive Plan portion for consideration in October or November.

Alexander Circle Update: The first phase of construction has officially begun with the replacement of roofing already underway on several of the worst structures. The developer has also initiated general cleanup and light demolition within each building. Also site work/utility replacements preparation work has started with the trimming of trees to allow for existing utility lines to be temporarily utilized until underground utilities are placed. Staff is continuing to work closely with the developer on the management of the site as it relates to park activities.

2018 Street Program: The water main work on Pentland Place is essentially completed with their contractor awaiting pressure testing and following with service connections. This will put the street reconstruction likely to begin just after Labor Day.

Lunken Airport Traffic: Lunken Airport has had a runway under construction for some time which is causing them to use different routes that fly over Fort Thomas. Staff has been in contact with them and the new runway should be completed by the end of August.

New Business

Consideration of Agreement with Sanitation District No. 1 - Pentland Place Storm Sewer:

The 2018 Street Program includes reconstruction of Pentland Place. The design also included addressing the storm water near the intersection with Highland Avenue under the same contract. The project was bid to include the placement of a catch basin near this intersection and extension of approximately 200 feet of pipe to carry storm water to the existing catch basin at the corner of Madonna Place. At the time the project was bid in the Spring, SD1 had committed available funds in their cost sharing program for the year. The Fiscal Year 2018-2019 appropriated additional funds under their program so we initiated application.

The storm water portion of the Pentland Project totaled \$44,800 with the city's portion essentially being reduced to \$22,400. A motion was made by Mr. Bezold and seconded by Mr. Slawter to approve the agreement with Sanitation District No. 1 for the Pentland Place Storm Sewer. Upon call of the roll, the following members voted "aye": Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Slawter. Voting "no": none. The motion passed by a unanimous vote.

Consideration of Agreement with Sanitation District No 1 - Kathy Lane Storm Sewer: The City has worked in the past with property owners near the end of Kathy Lane regarding localized flooding. The City did add catch basins on this street approximately twelve years ago however, in heavy storms; conditions still allow storm water to bypass the public collection system. SD1 has performed engineering analysis of this collection system, including pipe capacities and determined an increase in inlet capacity/storage would alleviate this condition.

This solution does qualify under SD1's 50/50 cost share policy and was approved by the SD1 Board of Directors at their last meeting. The total project cost is estimated at \$31,200 with the maximum \$15,600 city contribution. This was quoted as contracted costs and the city will likely perform this work with General Services crews with significantly less out of pocket expense.

The project will address city responsibility/liability within the right-of way and should also assist with the resident flooding issue based on increased inlet capacity and additional pipe capacity storage. A motion was made by Mr. Bowman and seconded by Mr. Bezold to approve the agreement with Sanitation District No. 1 for the Kathy Lane Storm Sewer. Upon call of the roll, the following members voted "aye": Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Slawter. Voting "no": none. The motion passed by a unanimous vote.

Consideration of Participation in SD1 Public/Private Cost Sharing Program: Sanitation District No 1 has initiated and funded a new program that will allow cities to make application for improvements onto private property that will assist with remediation of storm water issues of individual and public properties. The program will involve the City making application for reimbursement of up to 1/3 the total cost of the project directly from SD1. Terms of the program are under development at SD1 however, SD1 representatives & city staff has been working together with a property owner in the city who qualifies under this program. Staff is requesting authorization from council to proceed with participation to allow for assistance with this case.

A motion was made by Mr. Peterman and seconded by Mr. Bezold to authorize the city to participate in the program with the Sanitation District No. 1. Upon call of the roll, the following members voted "aye": Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Slawter. Voting "no": none. The motion passed by a unanimous vote.

Angela with SD1 was present to answer any questions that council may have.

Consideration of closure of public drainage alley – Tower Hill Road: The City has received a request from the owners of 74 Tower Hill Rd (Mark & Jennifer Dill) and 76 & 112 Tower Hill Rd (Roller Family Homestead, LLC) to vacate the 10 foot wide "Drainage Alley" that exists between their respective lots. The drainage alley is 10 feet wide and runs approximately 105 feet (irregular) between their vacant lots. Closure/vacating of this property would result in the property being transferred in ownership to the abutting property owners. It is their intention to subdivide the total area of their respective lots; including this drainage alley, to create two building lots. The existing lots previously supported single family structures.

The request is for authorization from council to vacate the described "drainage alley" as described in the attached plat and legal description. If approved, city policy would require the property owners to incur all costs (legal, surveying, recording fees, etc) necessary to complete the action of closure. An ordinance has been prepared for this closure and will receive a first reading later in the meeting.

Finance Committee Report on Disbursements: The Finance Committee presented its Report of Disbursements and recommended the payment of warrants numbered 4038-4176 for the period of **July 14 – August 17, 2018** was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Bezold to concur in the recommendation of the Finance Committee. Upon call of the roll, the following members voted "aye": Mr. Cameron,

Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Slawter. Voting “no” none. The motion passed by unanimous vote.

Ordinances, Resolutions, and Orders

Ordinance O-20-2018: A first reading of Ordinance O-20-2018 amending the text of the official zoning ordinance to allow self storage facilities in a General Commercial Zone was presented to council. Roger Peterman asked that city clerk, Melissa Beckett read the definition of the self storage facility that is being proposed in Fort Thomas. This ordinance will be laid over to the next regular meeting of council for consideration.

Ordinance O-21-2018: An ordinance establishing the annual salary of the position of Police Chief was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Bezold to approve ordinance O-21-2018. Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Slawter. Voting “no” none. The motion passed by unanimous vote.

Ordinance O-22-2018: A first reading of an ordinance changing the zoning for 1960 Memorial Parkway from R-1C to Professional Office was presented to council. This ordinance will be laid over to the next regular meeting of council for consideration.

Ordinance O-23-2018: A first reading of an ordinance vacating a drainage alley on Tower Hill Road was presented to council. This ordinance will be laid over to the next regular meeting of council for consideration.

With no further business to come before council, the meeting was adjourned.

APPROVED:

Eric Haas, Mayor

ATTEST:

Melissa K. Beckett, City Clerk