

**MINUTES OF A MEETING
OF THE BOARD OF COUNCIL OF THE
CITY OF FORT THOMAS,
CAMPBELL COUNTY, KENTUCKY, ON
TUESDAY, FEBRUARY 16, 2016**

Mayor Eric Haas called the meeting of council to order at 7:00 p.m. on Tuesday, February 16, 2016 in the Council Chambers of the city building. City Clerk, Melissa Kelly, called the roll and the following council members were present: John Muller, Ken Bowman, Jeff Bezold and Roger Peterman. Absent: Lisa Kelly. Staff members in attendance included: City Administrative Officer Ron Dill, City Clerk Melissa Kelly, Finance Director Joe Ewald, Fire Chief Mark Bailey, Police Chief Mike Daly, and City Attorney Jann Seidenfaden.

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

Minutes

The minutes from the January 19, 2016 meeting were presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Thompson to approve the minutes as written. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Peterman and Mr. Thompson. Mr. Bezold abstained from voting due to not being at the last meeting. Voting “no” none. The motion passed by unanimous vote.

Visitors and Communications

Mr. David Fischer of 311 S. Ft. Thomas Ave. addressed council. Mr. Fischer stated that he was against Active Day an Adult Day Care going in at 90 Alexandria Pike. Jann Seidenfaden, City Attorney interjected and said that the Planning Commission held a public hearing on the request and that was the time to present public comment. Council then takes the recommendation from Planning Commission and decides whether to approve or deny the request. This is not an opportunity to hear additional public comments. Ken Bowman asked to review the request before they act on the ordinance. Jann noted that it has already been reviewed by the Planning Commission and council has their recommendation and that council can discuss the matter before their vote but it must base their decision on the record already established.

Reports of Officers

Fire Department Monthly Report: Chief Mark Bailey: Chief Bailey presented the monthly report to council. A motion was made by Mr. Bowman and seconded by Mr. Bezold to receive and file the Fire Department’s monthly report. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no”: none. The motion passed by a unanimous vote.

Police Department Monthly Report: Chief Mike Daly: Chief Daly presented the monthly report to council. A motion was made by Mr. Bowman and seconded by Mr. Bezold to receive and file the monthly report from the Police Department. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no”: none. The motion passed by a unanimous vote.

City Administrator's Report: Ron Dill: Ron Dill reported on the following:

V.A. Homes Update: The hazard remediation plan, escrow agreement and revised Memorandum of Agreement is ready to be forwarded to the V.A. for their review. It may take several months to get response back from them. Staff will meet with the developer one more time to discuss these documents before moving forward.

Armory Building Renovations: In the last budget, there was money set aside for renovations to the armory building. New bathrooms have been added to the second floor for the gymnasium. Adding these bathrooms has allowed the city to secure access from the stairwell and back lobby and lock down the first floor separate from the second floor. This adds safety also to keep people from entering into a public building without employees knowing.

Annual Reports: Annual reports will be presented at the next two council meetings. General Services and Renaissance will be presented at the March meeting and Police and Fire at the April meeting.

New Business

Consideration of the 2016 Street Resurfacing Program: Mr. Bowman read the recommendation of the Public Works Committee for the record. It read as follows:

We the undersigned members of the Public Works Committee of Council hereby report that we have met with city staff on Tuesday, February 9, 2016 to review and develop the city's 2016 Capital Improvement Program. While there were many streets considered for improvement, limited available resources restricted the number of streets that could be included in this year's recommended program.

The recommended 2016 street improvement program includes the following streets:

1. Barrett Drive
2. Daisy Lane
3. Gaddis Drive
4. Haywood Court
5. Winding Way

The streets in this program would be subject to a special assessment to abutting property owners on a 50%-city, 50%-property owner cost-sharing basis. Revenue from special assessments to abutting property owners is estimated to generate \$123,250.

The Capital Program will also include geotechnical engineering, design and construction of two (2) sections of pier walls for stabilization of Waterworks Road to facilitate future resurfacing of this road. The engineering and construction of this work is estimated at \$110,000.

The Capital Program continues implementation of the City's adopted sidewalk replacement program with the replacement of deteriorated sidewalks, curbs and driveway aprons along portions of the recommended streets and other selected streets with in the program at an estimated cost of \$50,000.

The Capital Program will include reconstruction of the access drive for the Highland Park ballfield. The access drive is proposed to be slightly relocated to connect with existing improvements and provide emergency/maintenance access to the field. The cost of these improvements is estimated at \$12,000.

The Capital Program also provides funding for the first phase of a *Pedestrian Safety Initiative* that will provide enhanced early warning signage and markings at crosswalks located within the City's Central Business Districts with an estimated initial cost of \$20,000.

Lastly, the Capital Program Budget also reserves adequate contingency funds for emergency repairs to other city-owned infrastructure and miscellaneous expenses.

The total estimated cost for the 2016 Capital Improvement Program and related fund activity is \$872,000 apportioned as follows:

- Roadway Improvements \$246,500
- Waterworks Road - pier walls \$110,000
- Sidewalks \$ 50,000
- Highland Park Access Drive \$ 12,000
- Crosswalk improvements \$ 20,000
- Contingency / Miscellaneous \$ 25,000
- Engineering – CT Consultants \$ 27,500

The Public Works Committee of Council recommends that the Board of Council adopt and approve this committee report and direct staff to proceed with additional planning and preparation for the 2016 Capital Improvement Program.

A motion was made by Mr. Peterman and seconded by Mr. Muller to accept the report from the Public Works Committee. Upon call of the roll, the following members voted "aye": Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman and Mr. Thompson. Voting "no": none. The motion passed by a unanimous vote.

Consideration of Planning Commission Resolution Z-02-2016: The Fort Thomas Planning Commission conducted a public hearing on December 16, 2015 and continued the hearing on January 20, 2016 to consider a text amendment to the adopted Official Zoning Ordinance for the inclusion of "Adult Day Care Facility" as a permitted use under the city's General Commercial zoning classification. City Clerk read the resolution into the record. The resolution reads as follows:

A RESOLUTION OF THE FORT THOMAS PLANNING COMMISSION RECOMMENDING TO THE BOARD OF COUNCIL OF THE CITY OF FORT THOMAS, KENTUCKY, THAT THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF FORT THOMAS, KENTUCKY BE AMENDED TO INCLUDE "ADULT DAY CARE FACILITY" AS A LISTED PERMITTED USE IN A GENERAL COMMERCIAL ZONING DISTRICT UNDER ARTICLE X, "ZONE REGULATIONS", SECTION 10.12 GENERAL COMMERCIAL ZONE (GC), SUBSECTION (A) USES PERMITTED,

WHEREAS, the Fort Thomas Planning Commission initiated a request to amend the text of the Official Zoning Ordinance of the City of Fort Thomas, Kentucky, under Article X, Section 10.12 (A); and

WHEREAS, said text amendment will permit Adult Day Care Facility as a permitted use within General Commercial zoning districts; and

WHEREAS, the Fort Thomas Planning Commission held a public hearing on said text amendment which was properly advertised and held on Wednesday, December 16, 2015 and continued on January 20, 2016; and

WHEREAS, the Fort Thomas Planning Commission has received and reviewed all exhibits presented including the proposed text amendment to permitted uses contained in Article X, Section 10.12 (A) of the Official Zoning Ordinance; and

WHEREAS, the Fort Thomas Planning Commission hereby makes the following finding:

The proposed “Adult Day Care Facility” fits the guidelines for permitted uses in the General Commercial Zoning classification.

NOW, THEREFORE, BE IT RESOLVED THAT THE FORT THOMAS PLANNING COMMISSION does hereby find that the amendment to Article X be necessary for the integration of Adult Day Care Facilities and recommends that the Board of Council of the City of Fort Thomas, Kentucky, approve and adopt said text amendment identified in Exhibit “A” attached hereto and incorporated herein by reference.

Ken Bowman asked to have discussion regarding this matter. He indicated that there have been a lot of “moving parts” brought to his attention regarding the new location of Active Day. He feels that there are a lot of reasons that this should be up for discussion and not just a blanket approval. Mayor Haas recommended that council go ahead with the first reading of the ordinance and review the information prior to the next meeting. He also reminded council that the function of a Planning Commission is to review the information and make a recommendation council. Jann Seidenfaden cautioned council that their review of this matter should be limited to the minutes, the record and the resolution. This is not something that council members should be taking comments from the general public or taking extraneous information. Planning Commission makes the decision based on the facts that came out at the public hearing. Mr. Bowman noted that this could have great long term implications if it goes one way or the other. Mr. Peterman noted that this is a legal process and council should heed the advise of its legal counsel. Jann Seidenfaden indicated that council has three options: To review the information and adopt the ordinance, to review the information and find opposite of what the planning commission has found and deny the request, or schedule a hearing that is an argumentative meeting where pro’s and con’s can be presented from people for or against the matter.

Old Business

St. Paul United Church of Christ-Churchill Drive Street Assessment: Staff has further researched available city records including council minutes and has not unearthed any additional documentation that supports an actual commitment by the city to waive future assessments resulting from street repairs to Churchill Drive. In the absence of any binding documents, it has been council’s practice to deny requests for waivers or extensions for taxes due or special assessments due. Council took a position of “no action” on the request based on insufficient evidence to honor the requested waiver of assessment.

Strategic Planning/Visioning Update: Staff has compiled/categorized topics discussed from the initial meeting with council and has begun background and analysis of these topics for consideration from council. Staff is ready to present information and discuss proceeding with next steps in this process. It is

recommended to schedule a meeting with the council committee of the whole to continue discussion on this item. It was decided to meet prior to the March 21st council meeting at 6:15 p.m.

Finance Committee Report on Disbursements: The Finance Committee presented its Report of Disbursements and recommended the payment of warrants numbered 301441 through 301570 for the period of **January 19 – February 16, 2016.** A motion was made by Mr. Bowman and seconded by Mr. Bezold to concur in the recommendation of the finance committee of council. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no” none. The motion passed by unanimous vote.

Ordinances, Resolutions, and Orders

Ordinance O-01-2016: An ordinance adopting a supplement to the code of ordinances was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Muller to approve ordinance O-01-2016. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no”; none. The motion passed by a unanimous vote.

Ordinance O-02-2016: An ordinance amending city council committee meeting dates was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Peterman to approve ordinance O-02-2016. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no”; none. The motion passed by a unanimous vote.

Ordinance O-03-2016: An ordinance apportioning the assessments for the 2015 Street Resurfacing Program was presented to council for consideration. A motion was made by Mr. Thompson and seconded by Mr. Muller to approve ordinance O-03-2016. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Mr. Bezold, Mr. Peterman, and Mr. Thompson. Voting “no”; none. The motion passed by a unanimous vote.

Ordinance O-04-2016: An ordinance amending the text of the Official Zoning Ordinance to allow Adult Day Care facilities in a General Commercial Zone was presented to council for a first reading. 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. Kelly, City Clerk