

**MINUTES OF A MEETING  
OF THE BOARD OF COUNCIL OF THE  
CITY OF FORT THOMAS,  
CAMPBELL COUNTY, KENTUCKY, ON  
MONDAY, JULY 15, 2019**

Mayor Eric Haas called the meeting of council to order at 7:00 p.m. on Monday, July 19, 2019 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, Mark Collier, Jeff Bezold, Roger Peterman and Adam Blau. Staff members in attendance included: City Administrator Ron Dill, Assistant City Administrator/Finance Director Joe Ewald, City Clerk Melissa Beckett, Fire Chief Mark Bailey, Police Chief Casey Kilgore and City Attorney Jann Seidenfaden.

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

**Minutes**

The minutes from the June 17, 2019 meeting were presented to council for consideration. A motion was made by Mr. Bezold and seconded by Mr. Bowman to approve the minutes as written. Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Mr. Collier, Mr. Bezold, Mr. Peterman and Mr. Blau. Voting “no” none. The motion passed by unanimous vote.

**Visitors and Communications**

Mr. Rob Geglein from 108 Waterworks addressed council. Mr. Geglein was attending council regarding the unsafe traffic conditions on the upper section of Waterworks Road. Mr. Geglien noted that a crosswalk has been installed but it is still dangerous to cross the street and get out of your cars. Mr. Geglien and his wife’s vehicle were hit by a speeding car on July 12, 2019. The estimated travel speed was between 35 and 50 mph. The impact tore the entire right side tire assembly and the strut assembly off of Mr. Geglien’s Rav4 and the car is now totaled. His wife’s car was damaged and they are waiting for an insurance assessment. Mr. Geglein is looking for a solution to the speeding and reckless drivers on Waterworks Road. Chief Kilgore noted that the police department did a speed survey about a year ago and the survey results did not show excessive amount of speeding. He also mentioned that he was unsure of where the estimated speed of 35 to 50 mph came from unless it was from the driver. Scott Hardin of 133 Hartweg addressed council. He noted that the speeding is a major problem and the reason that this driver was going to fast is that the drivers come around the corner fast from Memorial Parkway and people have to be extremely careful when they get out of their cars or cross the street. Discussion ensued with council. It was the determination of council to refer this matter the Public Works committee of council. A public works committee meeting is scheduled for August 6, 2019 and this can be presented at that meeting.

Neil Leyshock of 43 Woodland Place had a question regarding the executive session and asked what the purpose of this was and if funding of the central business district project would be discussed. Mayor Haas noted that that will all be made public once council returns from executive session. The public will be able to speak once the information is shared.

Mayor Haas read a record into the record from Dan Cahill, incoming chairman of the NKY Chamber of Commerce. They were writing to express their support of the Griewe project in the Central Business District.

**Fire Department Monthly Report for June 2019:** Chief Bailey presented his monthly report for June 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. Cameron, Mr. Bowman, Mr. Collier, Mr. Bezold, Mr. Peterman and Mr. Blau. Voting "no" none. The motion passed by unanimous vote.

**Police Department Monthly Report for June 2019:** Chief Kilgore presented his monthly report for June to council. The P.D. has three retirements coming up this summer. Rich Whitford and Doug Bryant will retire the end of July and Tom Carr will retire at the end of August. The P.D. has moved forward with the hiring process and have two candidates that will start August 1<sup>st</sup> if their backgrounds come back ok. This is a re-accreditation year for the p.d. and if they pass, this will be the 25<sup>th</sup> year for FTPD to be a state accredited agency. A motion was made by Mr. Peterman and seconded by Mr. Bowman 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. Collier, Mr. Bezold, Mr. Peterman and Mr. Blau. Voting "no" none. The motion passed by unanimous vote.

### **City Administrators Report**

**School Resource Officer Agreement:** I have included a copy of the agreement between the City and the Ft. Thomas School District outlining the terms for placement of a School Resource Officer (SRO) within the school district for the 2019-2020 school year. The agreement is the same as the previous year. We are completely satisfied with the results from our inaugural year with this position. Zack Rolfer will again be assigned for this role in the coming school year.

**"Shelter 3" Project in Tower Park Update:** We have developed the design and bid specifications for the actual shelter in this project and it will be posted for bids next week. The bid opening is tentatively scheduled for August 15<sup>th</sup> with recommendation to Council for bid award at your August 19<sup>th</sup> Council Meeting. The construction timeframe will be for completion by March 1, 2020. The city will be performing other aspects of that project simultaneously and will be prepared for surfacing of parking lot & basketball courts in Spring 2020.

**Route 8 Closure status:** Ron Dill attended a meeting this week with KDOT officials and representatives from all the utility agencies and Campbell County Fiscal Court to continue discussion on the options for the "Route 8" corridor between River Road and Tower Hill. We are in initial stages of exploration of options for the road and were productive in agreeing that it will require input from all parties to insure that all entities needs are under consideration. At this point, the utility companies are evaluating their respective needs for vehicular/equipment passage to maintain their facilities. Upon technical analysis, there may be a study commissioned to detail options for how the road may be addressed.

At this time, the roadway is still officially "temporarily closed" to through traffic as KDOT continues to remove slide issues and repair surfaces. This is an undefined closure time frame. I will be engaged in future meetings that will continue the discussion of options moving forward.

**Ky 445 (River Road) closure:** KDOT is scheduled to close KY 445 for the week of July 15-19 during work hours. The scope of work will include addressing the "elevated section in the south lane and grading to facilitate drainage from entering travel lanes. The shoulders will be rebuilt with pavement milling and the drainage ditches on both sides will be re-graded and lined with concrete. This will be a welcomed improvement as we field calls regarding this section of roadway. There are larger issues that KDOT is reviewing that may result in more significant work in the future.

**Report from Law, Labor, and License Committee:** David Cameron reported that the Law, Labor, and License Committee met prior to council regarding allowing golf carts on city streets. Under Kentucky Revised Statute, provisions are provided that would allow the city to approve golf carts on the city streets. Discussion of framework and safety issues were discussed. There are still several questions relating to seat belts, speed and age, etc. The Committee expects an ordinance to be drafted within the next couple of months.

### **New Business:**

**Consideration of Duke Energy Easement – Tower Park:** The proposed easement is associated with the development of Alexander Circle homes. The area of easement is to facilitate the relocation of the gas main that will service the project. The proposed alignment places the gas main under the existing pavement of Clitz Street (behind ball field backstop) into the project site. The attached document describes the easement and the site plan depicts the proposed easement. For purpose of orientation this is located behind the ball field at Tower Park on the opposite side of Clitz Ave. Staff recommends approval. A motion was made by Mr. Peterman and seconded by Mr. Bezold to approve the Duke Energy Easement in Tower Park. Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Mr. Collier, Mr. Bezold, Mr. Peterman, and Mr. Blau. Voting “no” none. The motion passed by unanimous vote.

**Consideration of Curb & Sidewalk bids – Vernon Lane:** As reported at the last council meeting, staff intended to solicit bids for the curb and sidewalk replacement portion of the street program for the work on Vernon Lane. The need has arisen primarily from the weather delays from late Spring and early Summer. City crews have performed work on the program throughout this time, however, we have other time sensitive projects (Alexander Circle/Mess Hall) that have been delayed and will require our crews to reposition to perform within a required timeframe.

We received two bids for this work from JPS Construction in the amount of \$89,525 and TMS Construction for \$82,900. We have worked with both contractors and would recommend award of contract to the low bid submitted by TMS construction. A motion was made by Mr. Bowman and seconded by Mr. Blau to award the bid to JPS Construction for \$82,900.

Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Mr. Collier, Mr. Bezold, Mr. Peterman, and Mr. Blau. Voting “no” none. The motion passed by unanimous vote.

**Finance Committee Report of Disbursements:** The Finance Committee presented its Report of Disbursements and recommended the payment of warrants numbered 5871-6036 for the period of **June 15 – July 10, 2019** was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Collier to concur in the recommendation of the Finance Committee. Upon call of the roll, the following members voted “aye”: Mr. Cameron, Mr. Bowman, Mr. Collier, Mr. Bezold, Mr. Peterman, and Mr. Blau. Voting “no” none. The motion passed by unanimous vote.

### **Ordinances, Resolutions, and Orders**

**Ordinance O-13-2019:** An ordinance adjusting the cost of waste fees for Rumpke was presented to council for a first reading. This ordinance will be laid over to the next regular meeting of council.

**Executive Session:** A motion was made by Mr. Bowman and seconded by Mr. Bezold to adjourn into executive session for the following purpose:

In accordance with KRS section 61.810 (g) – Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion or upgrading of the business.

A motion was made by Mr. Peterman and seconded by Mr. Bezold to reconvene the regular meeting of council.

**Consideration of a Development Agreement with Griewe and Associates:**

Ron Dill explained the development agreement, the highlighted areas are as follows:

1. Developer Commitments to City

- a. Developer agrees to construct the Development substantially in accordance with and described in the Phase One Concept Design approved by the Planning Commission on May 29, 2019 and the Design Review Board May 30, 2019 or subsequent approvals by City Boards or Commissions.
- b. Developer further understands that additional input will be provided by the City staff and the Design Review Board upon the submission of the Phase Two Development Plan provided such changes shall not materially alter the financial costs to Developer.
- c. Developer will construct the Development with high quality materials and finishes and attention to the architectural design details for which this development team is known.
- d. Developer shall build at least 18 high-end for sale condominiums including 2 BD/2 BA, 2 BD/2 BA/Study and 2 BR/2.5 BA/Study residences with 2 parking spaces per unit and visitor parking (described below) in an underground garage.
- e. Developer shall use commercially reasonable efforts to cause the curation of the commercial space in the Mixed-Use Building (Building #1) to enhance the CBD and provide services to benefit the residents of Fort Thomas.
- f. Developer shall commence construction in 2019 and target completion of the development in the second quarter of 2021.
- g. The Developer shall use its best efforts to secure tenants for the Commercial Building immediately upon execution of this Agreement. Developer shall commence the Commercial Building (Building #2) upon signing of an appropriate lease supporting a sit-down restaurant.
- h. The Developer agrees to prepare the site for the public parking lot, including providing drainage and electric access points, to the extent required for the City to meet the requirements set forth in 3. b. hereof.
- i. The public parking lot will be landscaped by the Developer according to the site plan specifications.
- j. The Developer agrees to cause the Condominium Association to be responsible for the day to day maintenance of the public parking lot including snow and leaf removal, landscape

maintenance, removal of litter, the periodic striping of parking spaces and overhead/landscape light bulb replacement.

## 2. Issuance of Industrial Revenue Bond (IRB)

- a. The City agrees to issue industrial revenue bonds (the “Bonds”) pursuant to the provisions of KRS Chapter 103, as financing for the Development, for a thirty (30) year term of the Bonds, subject to the terms of an Agreement In-Lieu of Taxes (the “Pilot Agreement”). The terms of the Pilot Agreement will be detailed in a separate document to be executed between the City and Developer on or before September 27, 2019.
- b. It is understood between the City and Developer that the City shall have no obligation to pay the Bonds, and that any payment obligation for the Bonds shall be the responsibility of the Developer. That at the closing of the Bonds the title to the Property will be transferred by the Developer to the City, and the City shall lease back the Property to Developer during the term of the Bonds. The City further agrees to act as the applicant to the Kentucky State Local Debt Officer to seek approval to use Bonds for the Development, and to execute any and all standard documents related to the Bonds, but subject to approval by the City, including a lease agreement, bond purchase agreement, trust indenture, etc., and other documents that may be required of Developer’s lender related to the issuance of the Bonds. Any costs related to the issuance of the Bonds shall be paid by the Developer.

## 3. City Commitments to Developer

- a. The City shall purchase approximately .8 acres of the Property for a public parking lot described in Exhibit B subject to a perpetual easement for a below ground detention vault below the parking lot. The City agrees to a purchase price of \$1,600,000 that will be paid to Developer before December 31, 2019.
- b. The City agrees to install the curbs, asphalt, and light fixtures according to the site plan specifications. This work to be performed in consultation with Developer prior to the project completion targeted for early 2021.
- c. The City agrees to perform any capital and/or structural repairs to the public parking lot and to maintain the parking lot in good repair, including certain maintenance repairs such as the replacement and/or patching of the asphalt and curbs or periodic sealing, crack repair, subsurface repair and maintenance or other preservation actions to maintain the long-term viability of the parking lot.
- d. The City agrees to provide the post construction streetscape along Fort Thomas Avenue, Highland Avenue and Woodland Place according to the City’s guidelines including curbs, sidewalks, sidewalk decorative pavers and street trees up to the property line of the Development.
- e. The City shall notify the Developer within a reasonable time if the City has determined that the Developer is not satisfying the requirements of 1. g. hereof. If the Developer has satisfied the requirements of the first sentence of 1. g. hereof (or the City has failed to provide notice of failure) and construction of the Commercial Building (Building #2) does not commence by January 31, 2021, the City will have the right and obligation to purchase the site of the Commercial Building from the Developer for \$825,000.

f. The city agrees to participate in cost with Developer to remove utility pole and boxes on the corner of Highland and Woodland to improve visibility for pedestrians and vehicles exiting the garage.

#### 4. Developer Commitments to Adjacent Neighborhood

- a. Developer shall construct the revised garage plan that includes two 9 ft. entry and exit garage doors installed on the face of the building and bump out to hide garage doors. (Exhibit C) subject to approval of said plans from City Boards or Commissions as required by Ordinance.
- b. Developer shall provide no less than 4 residential visitor parking spaces in the garage.
- c. Developer agrees to screen the Development utility boxes on the Property from the neighborhood to the extent allowed by relevant codes or easements.
- d. Developer agrees to construct the Development primarily from Fort Thomas Avenue and restrict construction traffic on Woodland Place. When and if access is needed from Woodland the residents will be notified 48 hours in advance.
- e. Developer agrees that the address for the Development will be Fort Thomas Avenue.
- f. Developer shall limit new light pollution by using regulations prescribed by section 9.14 of the City Zoning Ordinance reviewed by Design Review Board for parking lot lighting.
- g. Developer shall build a berm along the parking lot and add landscaping to limit light pollution as allowed by relevant codes or restrictions.
- h. Developer agrees to select a trash removal company that commits to use a truck that can exit Woodland Place without impacting resident street parking.
- i. Developer shall select a trash removal company for the residential garage and commercial parking lot pick up that operates within the hours of 8 a.m. – 6 p.m.
- j. Developer shall professionally install and maintain landscaping in the area previously occupied by the existing parking lot in collaboration with Woodland neighborhood.
- k. Developer will submit details of the Woodland Place curb cut to the City and Design Review Board to review the pedestrian safety aspects of the design.

#### 5. City Operational Commitments

- a. Sidewalk and Parking Lane Closure on Fort Thomas Avenue. The City agrees to allow the Developer to erect a construction fence at the curb on Fort Thomas Avenue the length of the Property, which will enclose the entire construction area from approximately September 2019 to May 2021 or as dictated by the construction schedule. The City agrees to allow this fence to be moved into Parking Lane as needed to facilitate construction.
- b. Highland Avenue and Woodland Place Sidewalks. The City agrees to allow the Developer to erect a construction fence along Highland Avenue and specific section on Woodland Place for the safety of pedestrians. City agrees to a temporary closure of sidewalks on Highland Avenue and Woodland Place. Street Parking will be maintained on Highland and Woodland. To the extent determined to be required by the City for pedestrian safety, City will provide crossing guards or other safety officers at no cost to Developer.

- c. Worker Parking. The City agrees to allow construction workers to park in a City owned parking lot at no charge.
- d. Maintenance of Traffic. The City agrees to assist Developer with the maintenance of traffic through and around Development during critical construction dates. Developer shall provide 48 hours advance notification to City of such dates.

6. Developer Operational Commitments.

- a. Environmental Remediation. The environmental clean up of the site and buildings in preparation for demolition will be completed by the Developer using procedures approved by the Kentucky EPA.
- b. Storm Detention System. The Developer will construct a new storm water detention system that conforms to Sanitation District No. 1 regulations.
- c. Upgrade of Utilities to Site. All water, sewer, and electric service on site will be replaced or upgraded by the Developer.
- d. Developer shall secure Property with erosion control devices to contain run-off of debris in compliance with Sanitation District No 1 regulations and shall perform regular cleaning of adjacent streets.

7. Developer Operating Procedures. The City and the Developer agree to the following operating procedures during the construction timeframe:

- a. Hours of Construction. Except as required due to impending inclement weather or engineering requirements (eg: 18 hour concrete pours), and only on a limited basis, the Developer agrees to hours of construction from 7:00 AM-7:00 PM Monday through Friday and 7:00 AM – 6:00 PM Saturday and 10:00 AM-6:00 PM Sundays (on occasion to maintain the schedule). No work will be performed on Thanksgiving, Christmas, New Year's Eve and Easter.
- b. Site Safety. The Developer agrees to maintain a fence to secure the site during the construction timeframe. The fenced areas will be locked after construction hours and have limited access points during construction hours.
- c. Site Access. Developer shall use one access drive to site from Fort Thomas Avenue using an existing median opening and curb cut. The width of the median and curb cut will be determined by the city. Developer will limit access to the site via other points of entry to that which is required for physical access to move materials or access the building.
- d. Site Appearance. The Developer agrees to perform general site cleanup on a regular basis and ensure that debris and dirt from the site are kept to a minimum.
- f. School Hours. The Developer will schedule major deliveries of building materials to site to minimize where possible the amount of traffic at Fort Thomas and Highland Avenue intersections when school is in session. The Developer will do everything in its control to avoid deliveries between 7:30 AM - 8:30 AM and 2:30 PM - 3:30 PM on weekdays.

Mayor Haas noted that the city could not ask for better developers with Rick Griewe and North American Properties and he is excited about this project.

Tom Morrison from 96 Hawthorne asked if there would be a vote tonight on the proposed development in Towne Center. Mayor Haas noted that there will be a vote tonight because the development agreement is just the basics between the developer and the city. Mr. Morrison thinks that from a public input prospective that it is rushed. Mr. Bezold noted that it officially goes into public record once it is approved by council so it wouldn't be available to the public until this happens. There are still more details that must happen such as the stage 2 development plan and the IRB ordinance. Mr. Morrison asked about the funding. Mr. Dill noted that the approval would allow the city to approve the funding. He also noted that this is a lengthy process and this council is charged to getting to this point. Mr. Morrison ask for more time to review the proposed development agreement.

John Ranson of 52 Woodland Place addressed council. He asked what the impact to the tax payers would be for the proposed development. Mayor Haas noted that tax rates will not go up in relation to the development. Mr. Peterman indicated that this is a new investment and will generate new taxes. These new taxes will pay for this parking lot.

Neil Leyshock of 43 Woodland asked council to clarify where the parking lot would be related to the development. Ron Dill noted that the entire parking lot will be behind the building located on the property with the entrance coming in from N. Ft. Thomas Ave.

Tiffany Huber of 26 Hawthorne Avenue asked about transparency. She said this is an example of something where the citizens do not have input. She is concerned that people do not understand the process and continue to not understand the process. Mayor Haas explained that they are the elected officials and this is their jobs. A public hearing that the Planning Commission conducted was the place where people had a time to speak on the development and the public meeting is just details. We cannot operate a city with the citizens making a decision on everything that the city does. There is an opportunity to speak when the ordinances are presented. Mrs. Huber would like to see some of these examples put on the website.

Mayor Haas called for a vote on the development agreement with Griewe and Associates. A motion was made by Mr. Bezold and seconded by Mr. Bowman to accept the development agreement between the city and Griewe and Associates.

Mr. Cameron explained his vote. "I think we are fortunate to have North American Properties and Rick Griewe behind the development. However, personally, I am uncomfortable with some of the commitments from the city, so for that reason I'm voting no tonight. I do hope it is successful in the future and as of tonight I will be supportive of the property in the future,

Mr. Collier explained his vote. "When I'm looking at this issue, I'm looking at what the purpose of this process has been. When the city did the comprehensive plan update, redevelopment of the CBD was something that was prioritized. We have the best partners you could ever ask for in Rick Griewe and North American Properties. The goal of getting this to a point where it creates something that can synergize other parts of the city is one that we should all embrace. But the bottom line is that even with the best partners available we can't get to that point without subsidizing this...the sticking point for me has always been cutting a check even with the assumption that it will come back to us in the future. I just think that as fiduciaries for the city and taxpayers we can't take a risk like this...I just can't feel comfortable doing that right now. I am going to be supportive of this project, too, and I hope it's going to go well, but tonight I am going to vote no,"

Mr. Peterman explained his vote. This happens to be the type of work I do professionally, putting together projects like this. We do need to respond to citizen input on the Central Business District, and there are other areas such as the US 27 corridor, one that I think we need to focus on." "Thinking of this as subsidizing this project is not the lens I would view this through," he added. "We are meeting our fiduciary responsibility to this city. This project is going to generate new revenue. No question about this. The problem is the new revenue we are going to get we will not get in the first year."

Upon call of the roll, the following members voted "aye": Mr. Bowman, Mr. Bezold, and Mr. Peterman. Voting "no": Mr. Cameron, Mr. Collier, and Mr. Blau. With a tie vote the Mayor breaks the tie. Mayor Haas voted "aye". The motion passed with a vote of 4 to 3.

With no further business to come before council, a motion was made by Mr. Peterman and seconded by Mr. Bezold to adjourn.

APPROVED:

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Eric Haas, Mayor

ATTEST:

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Melissa K. Beckett, City Clerk