

COUNCIL CHAMBER CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY

MINUTES OF THE REGULAR MEETING OF COUNCIL SEPTEMBER 14, 2016

Board of Council met in regular session on the above date at 7:00 p.m. The following members answered roll call:

MEMBERS: Salzman, Olliges, Poynter, Guidugli and Slater. Mayor Edward Riehl presiding.

The meeting was opened with a prayer and pledge to the flag.

MOTION: Motion by Guidugli seconded by Salzman that Council Member Tatum be excused. Motion carried.

FOR THE RECORD: Mayor Riehl called for a moment of silence to reflect on the anniversary of the tragic events of 911 and those who lost their lives.

MOTION: By Slater seconded by Poynter that the Minutes of the Regular Meeting of Council held August 10, 2016 be accepted as received. Motion carried.

MOTION: By Slater seconded by Salzman that the Minutes of the Public Hearing for the TIF District be accepted as received. Motion carried.

FOR THE RECORD: Correspondence from Bellevue Neighborhood Association President Mary Hagner supporting a change in name for the Bellevue Beach Park Neighborhood received and filed.

FOR THE RECORD: Letter from Anna Hogan, 127 Anspaugh regarding Old Kentucky Makers Market event held September 2 and announcement of events to be held October 7 and November 3 in same location be received and filed.

MOTION: By Guidugli seconded by Slater that the following claims be paid:

General Fund	(58)	\$ 326,970.46
General Fund (8/31/2016)	(11)	41,828.15
Capital Improvement	(5)	11,802.54
Municipal Road Aid	(4)	1,396.47
Port Bellevue	(1)	638.06
Port Bellevue (8/31/2016)	(1)	232.59
Parks	(7)	5,223.05
Parks (8/31/2016)	(1)	800.00

Motion carried.

FOR THE RECORD: Member Slater reported the following school news:

Head Start class is filled to capacity.

Pre-school class is close to capacity.

Beyond the Bell after school program continues this year.

High School Athletic Association will be having a “River Town Alumni Throw down” on October 14 - donations appreciated.

Grandview annual Fall Fest will be held on September 30.

FOR THE RECORD: Mayor Riehl reported on the following:

Senior Appreciation Luncheon was held in August – great success and well attended. Special thanks for the business community for their support of this event.

Art in Park was successful and most of the event was able to take place until storms came in at 4 pm. Final concert of the season was cancelled due to storm. Special thanks to all who volunteered and assisted in the event.

October Fall Clean up scheduled for October 10-14, 2016 – Dumpsters will be placed at City Building – residents can contact Public Works for assistance.

Fall Campbell County Clean up October 21- 22.

FOR THE RECORD: City Administrator Keith Spoelker reported on the following:

Change in schedule for the Public Hearing on the proposed tax rate due to the miscalculation of the rate by the Northern Kentucky Area Development District. New date of Public Hearing will be September 29, 2016 at 6:30 pm. A Special Meeting of Council will follow at 7: 00 pm for the purpose of the first reading of the tax rate and first reading of the waste fee ordinance.

City received bids for the parking lot at Taylor and Union.

Tonight’s agenda revised to remove cell tower text amendment.

Tree Board will meet on September 22, 2016 at 5:30 pm.

Staff and Mayor have been meeting with residents of S. Sherry and Bonnie Leslie regarding hillside slippage issues. Test borings on Taylor have started.

Lincoln Road is progressing – KZF Engineering draft is now available. Matching grant with SDI was resubmitted and approved. Water District will be bidding their work soon. State funding is still available subject to the Governors Pause 50 program, a review of all State road projects funded by the gas tax. Estimate of State funding is now July 2017. Staff is working with Southbank Partners on a State grant application for the sidewalk component of the project. Staff along with KZF Engineering will hold an open house for residents effected by the Lincoln Road Project in October.

FOR THE RECORD: Jody Robinson, Assistant City Administrator reported on the following:

Art in the Park – great success – special thanks to the over eighty volunteers who helped with this event and special thanks to major sponsors such as Brandicorp, Party Source, Proforma and resident support.

InVue October events include “What Goes Bump in the Night” along with Old Kentucky Makers Market. Third Saturday will be the “Monster Mash”. Member Guidugli noted addition of Darkness Brewing and Food Trucks contributed the success of Art in the Park.

Member Salzman expressed appreciation to all who assisted with OKMM event.

Member Poynter asked why the OKMM event was moved – owner objected to use of lot for event – building has since sold.

FOR THE RECORD: Police Chief Turner provided a written report to Council with additional comment that Riverfest event went well.

Member Salzman asked for clarity on the use of Narcan – Fentanyl continues to drive the massive overdose numbers and the need for Narcan.

FOR THE RECORD: Fire Chief Auteri provided a written report to Council and added the following:

Board approved at the September 17 meeting the bid for the new roof. Ladder truck is out of service due to need for repairs. A department from West Virginia is purchasing the truck for \$50,000.00. Next meeting of the Board will be held on October 19th at 6pm

FOR THE RECORD: Member Guidugli noted the new Federal Mandate for change in Radios for Emergency Services and the estimated costs associated with the mandate – Fire radio changes are estimated at \$110,000.00 and Police between \$40,000 – 60,000.00.

FOR THE RECORD: Member Poynter asked if the new fire truck body will be metal or fiberglass – metal.

FOR THE RECORD: Zoning Administrator Scott Enns reported on the following:

Planning and Zoning met on September 6, 2016 regarding the following:

Application 16-007 Section 9.34 – Regulation of a Bed & Breakfast establishment.

Application 16-009 Section 9.35 Short Term Rental Regulations

Application 16-010 Section 9.25 – Mobile Vending Services

Application 16-011 Section 9.27 – Temporary Commercial Uses.

Scott Enns provided a detailed explanation of each of the above text amendments to Council.

Member Poynter questioned the Temporary Commercial Uses for commercial zones only – yes, Beach Park is a Conservation Zone but could be allowed under a Special Events Permit. Scott Enns will forward the newly created model application to Council.

Scott Enns provided a clear and detailed explanation of the approved Planning and Zoning amendment for Cellular Communication Facilities. Two new telephone poles will locate small boxes and three existing telephone poles will include the small boxes – maximum height of poles will not exceed 36’. A result will be an increase in data capacity and the elimination of “dead spots” occurring in Bellevue. All poles will be placed on the public right of way and not on private property.

Board of Adjustment met on August 25:

Application 16-007 – Conditional Use was approved for 52 Donnermeyer Drive for an electronic sign.

Application 16-008 – Variance request approved for applicant seeking a “building height” permit variance. Site work permit issued.

Political signs allowed sixty days before election and must come down ten days following election – 10 square foot size requirement.

Member Guidugli noted appreciation for the work of Zoning Administrator Enns and Planning and Zoning Members for their efforts to clean up zoning regulations.

FOR THE RECORD: Administrator Spoelker reported new chairs arrived for Council Chamber.

FOR THE RECORD: Robb Pitts, 539 Berry owner of Konens Pittstop addressed Council with a letter from fellow business owners, Jeff Gemmer, Liberty Products 624 Colfax, Grant Cambridge, Backstage Backline 627 Colfax and G. Maehren Thompson Enamel, 650 Colfax as a written request to be removed from the proposed Development Plan for the Bellevue Improvement District. Feeling the City unjustly devalued their properties by stating area as blighted and possibly contaminated without providing and disclosing results from an independent environmental study. In addition the business felt they contribute by providing jobs, services and tax revenue. Removal of their business locations from the District and creating two separate Districts further requested.

FOR THE RECORD: Carol Rich, 822 Lincoln Road addressed Council with the following:

Appreciation for the Fire Department for their assistance to her Mother Virginia Delaney who was recently transported to the hospital.

Stated she worked over four years ago to help secure funding from the State of Kentucky for a grant for the Lincoln Road Project. Residents who live on Lincoln have been having water issues since 2003, the road is dangerous and difficult to navigate. Ms. Rich expressed displeasure and concern that the City lost a million dollar State Grant for Lincoln road because they did not act in a timely manner.

FOR THE RECORD: Al Bricking, 804 Lincoln Road addressed Council with the following:

Agreement on comments made by Carol Rich as well as stating he is experiencing water issues in basement with each rain and his drive way is slipping due to water run off issues.

FOR THE RECORD: Mike Almoslechner, 520 O Fallon expressed appreciation for the Fire Department for their assistance for the removal of a large tree that came down across O'Fallon during recent storm.

FOR THE RECORD; Robert Rothfuss, 812 Lincoln Road addressed Council with the following:

Just paid a contractor \$22,500.00 for work done to his drive way and yard from damage due to water run off. Mr. Rothfuss stated he has been waiting for Lincoln Road repairs for over twenty five years. Mr. Rothfuss asked how the State could change their commitment for funding after pledging the money to Bellevue.

FOR THE RECORD: Mark Mauser, 806 Lincoln Road addressed Council with the following:

Something has to be done with Lincoln Road now. What is the plan for moving forward? Who is responsible for the upkeep and maintenance of Lincoln Road? Administrator Spoelker advised that the City Public Works has dug and trenched and will continue. City has micro surfaced the road. Possible help would be to create asphalt barriers by parking pads – City will look into this. City has set aside \$350,000.00 for Lincoln Road, of which some can be used for short term fixes. The intent is for SD1 to address the water run off issues. Mr. Mauser requested that after each rain the City keep digging out the trenches. Mr. Mauser suggested the area off Lincoln near Van Voast be used to help collect the water. Mr. Spoelker advised that the area is already a natural detention but any efforts made must protect and not damage the water shed. Mr. Mauser asked when the asphalt barrier / curb be installed by the City – Staff will check into this.

FOR THE RECORD: Tammy Nolan, 520 Lafayette addressed Council with the following:

Building directly across from her at 239 Grandview has hundreds of bats that live in the building and come out at night leaving bat droppings in her yard– staff will investigate.

What paper does the City publish legal documents in? Paper of record is the Campbell County Recorder – Ms Nolan stated she did not see the legal notice for the Public Hearing for the Development District.

FOR THE RECORD: Diane Mardis, 810 Grandview addressed Council with the following:

Expressed concern and displeasure that the City has ignored her water issues on upper Grandview. Has any funding been allocated for Grandview for water issues – no not at this time funding efforts and SD1 assistance has been for Lincoln and Truman only. Member Olliges noted the height of the road being an issue for upper Grandview.

FOR THE RECORD: Robert Rothfuss, 812 Lincoln further addressed Council:

Any efforts to reduce the deer and raccoon population would be appreciated.

Stop sign at Ward and Fuhrman has visibility issues due to tree growth.

MOTION: By Salzman seconded by Guidugli that Resolution 2016-08-01 support for naming the neighborhood adjacent to the Thomas J. Wiethorn Memorial Beach Park the “Beach Park Neighborhood” be read. FOR THE RECORD MEMBER SLATER REQUESTED RESIDENT

FEED BACK ON THE IDEA – PER ADMINISTRATOR SPOELKER THEIR WERE ELEVEN COMMENTS WITH A MIX OF OPINIONS. Motion carried.

MOTION: By Salzman seconded by Guidugli that Resolution 2016-08-01 be adopted as read. Motion carried.

FOR THE RECORD: Member Salzman noted appreciation to Sharon Forton for bringing this idea to Council.

MOTION: By Slater seconded by Poynter to table the first reading of Ordinance 2016-09-01 establishing a TIF District until a 2nd Public Hearing can be held and all those within the district be notified of the Public Hearing.

FOR THE RECORD: Member Poynter expressed concern that the legislation for TIF has been “pushed” and faulty information provided to justify need. Concerns that no developer has stepped forward, rezoning the Industrial Park will impact current owners, bonding expense / issues. The City needs to look more into this before moving forward. Concerns with possibility of eminent domain being used. Member Guidugli expressed concern that these are two separate issues and should not be confused – City has no intent to take private property through this piece of legislation. Member Slater expresses concern regarding use of blighted references and has the flood plain issues been addressed before development could begin. Per Administrator Spoelker this Ordinance only establishes the “District”. This Ordinance does create revenue for the district which could possibly be used to address the flood plain issues. Mayor Riehl stated this Ordinance does not give the City any power to acquire property through eminent domain now or later. City has no intent to take property merely to add revenue to the district through this legislation.

FOR THE RECORD: Jim Parsons addressed Council to explain that this Ordinance only establishes a TIF District and is completely separate and different than legislation used to acquire property through Chapter 99 powers. Tool to allow the City a mechanism to capture revenue for district as well as County dollars for the area. Mr. Parsons stated he prepared the legal notice for the Public Hearing and assured that it was properly advertised.

Member Guidugli asked if the term “brownfield” referencing property owned by Robb Pitts be struck from the Development Plan Document – yes.

VOTE: Yes 2 No 4 FOR THE RECORD THE DISSENTING VOTES WERE CAST BY MEMBERS GUIDUGLI, SALZMAN AND OLLIGES. MOTION DIES.

MOTION: By Olliges seconded by Salzman that Ordinance 2016-09-01 making certain findings concerning and establishing a development area for economic development purposes within the City to be known as the Bellevue Improvement District Development area; approving a local participation agreement between the City, the County of Campbell and the Bellevue Urban Renewal and Community Development Agency; establishing an incremental tax special fund for payment of project costs and redevelopment assistance; designating the Bellevue Urban Renewal and Community Development Agency as the Agency responsible for oversight, administration and implementation of the development area; authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the development area be read by summary for a first time. FOR THE RECORD MEMBER SLATER VACATED HIS SEAT AT 8:53 PM AND RETURNED AT 8:56 PM.

FOR THE RECORD: Robb Pitts, echoed striking language referencing his property as a brownfield and Jeff Gemmer requested language referencing area as 50% blighted be removed. Mr. Parsons stated that the district as a total is referenced as blighted not specific properties.

MOTION: By Salzman seconded by Olliges that Ordinance 2016-09-01 pass the first reading. VOTE: Yes 3 no 2. FOR THE RECORD THE DISSENTING VOTES WERE CAST BY MEMBERS SLATER AND POYNTER. Motion carried.

FOR THE RECORD: Member Slater stated his vote reflected property owners within district that are against. Member Poynter referenced concerns over past practices used such as with the Matthews property, language used referencing abandoned property.

MOTION: By Guidugli seconded by Slater that the term “brownfield” as referenced to the Pitts property be struck from the development agreement before the 2nd reading is held. Motion carried.

MOTION: By Slater seconded by Guidugli that Ordinance 2016-09-02 an Ordinance that the proposed text amendment to the official zoning Ordinance relating to Bed and Breakfast establishments be read for a first reading in summary. Motion carried.

MOTION: By Slater seconded by Poynter that Ordinance 2016-09-02 pass the first reading. VOTE: Yes 5 No 0. Motion carried.

MOTION: By Slater seconded by Guidugli that Ordinance 2016-09-03 the proposed text amendment of the Official Zoning Ordinance relating to short term rentals be read for a first time by summary. Motion carried.

MOTION: By Slater seconded by Poynter that Ordinance 2016-09-03 pass the first reading. VOTE: Yes 5 No 0. Motion carried.

MOTION: By Guidugli seconded by Poynter that Ordinance 2016-09-04 the proposed text amendment of the Official Zoning Ordinance regarding mobile vending services be read for a first time by summary. Motion carried.

MOTION: By Slater seconded by Poynter that Ordinance 2016-09-04 pass the first reading. VOTE: Yes 5 No 0. Motion carried.

MOTION: By Slater seconded by Poynter that Ordinance 2016-09-05 the proposed text amendment of the Official Zoning Ordinance regarding temporary commercial uses be read for a first time by summary. Motion carried.

MOTION: By Slater seconded by Poynter that Ordinance 2016-09-05 pass the first reading. VOTE: Yes 5 No 0. Motion carried.

FOR THE RECORD: City staff has developed Street Closure permits for the purpose of block Parties.

MOTION: By Slater seconded by Salzman to approve the permits for street closures for the purpose of block parties on Division Street, Kennedy Alley and Covert Run for the annual High School Band Competition on October 8. Motion carried.

FOR THE RECORD: Member Slater questioned what surface the City is going with for the parking lot at Taylor and Union – plain asphalt. Will drainage and water run off issues be addressed – yes. Thirty Two parking spots will be

created of which nine will be assigned to former property owner for business use.

MOTION: By Slater seconded by Guidugli that Order 2016-09-01 authorizing and directing the Mayor to enter into an agreement with Ohio Heavy Equipment Leasing, LLC dba Loveland Excavating and Paving to construct a surface lot at the corner of Taylor and Union for a cost not to exceed \$169,335.00 be read. Motion carried.

MOTION: By Slater seconded by Salzman that Order 2016-09-01 be adopted as read. FOR THE RECORD: Member Olliges asked if the project included landscaping and lighting – landscaping only. Motion carried.

FOR THE RECORD: Mayor Riehl made the following announcements:

Special Meeting of Council will be held on September 22, 2016 at 7 pm for the purpose of Executive Session to deliberate on the sale of property.

Public Hearing on Proposed tax rate will be held on September 29, 2016 at 6:30 pm

Special Meeting of Council will be held on September 29, 2016 at 7 pm for consideration of Ad Valorem Tax and Waste Fee Ordinances.

FOR THE RECORD: Member Salzman announced the Annual Bellevue Neighborhood Association fund raiser “Drink in the Vue” will occur on September 30 – please support.

FOR THE RECORD: Member Poynter stated he attended the International Towing Hall of Fame meeting recently and encouraged everyone to be mindful of Police, Fire and tow truck operators.

FOR THE RECORD: Member Slater encouraged attendance at Grandview Fall Fest and Friday night High School football against Holmes.

FOR THE RECORD: Member Salzman asked for clarification for the Old Kentucky Makers Market to ensure that all three of their events will be deemed city events – yes.

MOTION: By Slater seconded by Poynter to adjourn at 9:15 pm. Motion carried.

Mayor Edward M. Riehl

ATTEST:

Mary H. Scott, City Clerk

I hereby certify that the foregoing meeting was held in compliance
With the requirements of the appropriate provision of H.B. 100 effective
6-21-74 also referred to as KRS Ch 61 on this 14th day of September, 2016.
Mary H. Scott, City Clerk