

COUNCIL CHAMBER CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY

MINUTES OF THE REGULAR MEETING OF COUNCIL JUNE 9, 2021

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

MEMBERS Witte, Fisher, Guidugli, Kruse and Hogan. Mayor Charlie Cleves presiding.

MOTION By Kruse seconded by Fisher that Council Member Salzman be excused. Motion carried.

MOTION By Kruse seconded by Guidugli that the Minutes from the Regular Meeting of Council May 12, 2021, Public Hearing May 12 for General Fund and Public Hearing for Municipal Road Aid be accepted as received. Motion carried.

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

General Fund	(74)	\$219,420.04
General Fund (5/31/2021)	(7)	1,814.90
Municipal Road Aid	(4)	6,920.63
Capital Improvement	(5)	79,939.09
Port Bellevue (5/31/2021)	(1)	130.14
Rental Inspection Fund	(1)	187.50
Lincoln Road	(1)	350.00
Parks Fund	(3)	4,494.37

Motion carried.

FOR THE RECORD:

Mayor Cleves reported on the following:

July 1st Friday will be a 4th of July theme.
August 1st Friday will be a Tiki Night.
Fall Fest will be held on October 9th.
Special Meeting of Council June 15, 6pm.

Mayor Cleves will deliver notices to all businesses with an Alcoholic Beverage License to advise them that the State ABC will authorize the use of extended premises for serving alcohol that was in place during COVID. The license holder must respond to the State by July 11 with the area of the extension requested. The City will also need to approve the extended area.

FOR THE RECORD:

Police Chief Estepp reported on the following:

Written report provided to Council.
Department assisted High School with graduation parade.
Department assisted Grandview with 5th grade graduation parade.
Successful Memorial Day Parade.
Call volumes are up.

Chief Estep provided a brief explanation of recent juvenile crime attempt. Department was assisted by Ft. Thomas, Dayton and Newport as well as Southern Ohio to arrest five juveniles. Chief credits the new radio system and great working relationship with other departments for apprehending these juveniles.

FOR THE RECORD:

Fire Chief Adkins reported on the following:

Written report provided to Council.

Department lost two more fire fighters and one additional is being interviewed for another department.

New Medic Unit has been delayed due to COVID, arrival is now expected for first week of July.

Next meeting of the Fire Board will be June 16th.

Member Fisher questioned how department is responding to those who are unvaccinated for COVID, Chief Adkins advised that the department follows CDC guidelines wearing masks when required. Member Fisher expressed appreciation to the department for the quick response and transport to UC recently for himself.

FOR THE RECORD:

Code Enforcement Officer Tom McDaniel reported on the following:

Written report provided to Council.

Mr. McDaniel stated he has been busy addressing life safety issues on two properties.

Member Witte noted that residents have expressed appreciation for Mr. McDaniel's ability to work with the residents on properties.

Member Guidugli questioned if the issue at the dead end of Washington has been resolved. Citations have been issued but this continues to be an ongoing problem.

FOR THE RECORD:

Public Works Foreman, Rick Mallery reported on the following:

Written report provided to Council.

Department will be planting five trees on Thursday to comply with the County tree grant.

Administrator Warnock advised that the Tree Board has decided that those residents who pay for trees will be prioritized for tree plantings.

Member Hogan asked when the jail inmates will be available for use by Public Services. Rick Mallery stated he will contact the jail to ask but they will need to be vaccinated first.

FOR THE RECORD:

Administrator Warnock reported on behalf of City Engineer, Mike Yeager:

Still waiting on final official notification to proceed from FEMA for the Bonnie Leslie / Sherry project.

Lincoln Road – construction completed however minor damage to a retaining wall needs to be repaired.

S. Ward construction is ongoing.

Donnermeyer Drive – survey is complete and being downloaded for design work to begin. Will work with Transit Authority Board.

S. Foote sidewalk extension is being hung up by the State.

Three grant applications were submitted to OKI; Covert Run new sidewalk and storm water improvements, sidewalk improvements on Fairfield from Riviera heading east and new sidewalk on Lincoln between Ward and Van Voast as well as spot improvements / replacement in high priority areas.

FOR THE RECORD:

Administrator Warnock further reported:

New restaurants coming to Bellevue include, Enson Harbor, 25 Fairfield, Yuca 700 Fairfield, Cork & Crust, 710 Fairfield and high end restaurant yet named at 119 Fairfield.

The Reserves of Bellevue – bond issuance is moving forward, construction will follow.

Member Guidugli questioned when Enson Harbor will be opening – Late summer.

Member Witte questioned the status of the Comprehensive Plan – KLC provided a draft copy which is being reviewed and edited by Jim Dady. Special Thanks to local resident, Attorney and Planning and Zoning Member for all his assistance with this document. Planning and Zoning Administrator Cindy Minter is assisting with this as well.

FOR THE RECORD:

Dave Brun, 340 Foote addressed Council with the following:

Concerns over outdoor dining on City sidewalks, blocked parking spaces for outdoor dining on public streets and outdoor music. Mr. Brun commended Planning and Zoning for how they handled the public meeting on this issue held May 24, 2021.

Member Guidugli expressed support for the concerns held by Mr. Brun and advised that Council will seek decisions made for the greater good of the community.

FOR THE RECORD:

Charlie Zimmerman, 209 Fairfield and owner of Three Spirits addressed Council with the following:

Reminded Council that music was part of the original plan for Bellevue to have a more vibrant corridor. Council needs to find common ground for the businesses that bring in revenue for the City.

FOR THE RECORD:

City Attorney Dave Fessler read Ordinance 2021-05-01 amending the Tree Commission Ordinance to

change the meeting time and day for the Tree Commission Board for a second time.

MOTION By Guidugli seconded by Hogan that Ordinance 2021-05-01 pass the second reading. VOTE: Yes 5 No 0. Motion carried THE ORDINANCE BECAME LAW.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-05-02 adopting a supplement to the Code of Ordinances of the City of Bellevue, Kentucky for a second time.

MOTION By Kruse seconded by Hogan that Ordinance 2021-05-02 pass the second reading. VOTE: Yes 5 No 0. Motion carried. THE ORDINANCE BECAME LAW.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-05-03 amending the Flood Damage Prevention Ordinance 2012-06-01 for a second time.

MOTION By Guidugli seconded by Fisher that Ordinance 2021-05-03 pass the second reading. VOTE: Yes 5 No 0. Motion carried. THE ORDINANCE BECAME LAW.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-05-04 providing for the creation of a franchise for the distribution of electrical, and natural gas energy within the City of Bellevue defining the terms and conditions thereof and providing for a bid procedure therefore; and alternatively providing for the payment of minimum franchise fee for all public utilities doing business in the City of Bellevue, not now covered by a current franchise for a second time. Attorney Fessler noted that this is an increase in the current franchise fee from 3% to 3.5%.

MOTION By Guidugli seconded by Hogan that Ordinance 2021-05-04 pass the second reading. VOTE: Yes 5 No 0. Motion carried. THE ORDINANCE BECAME LAW.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-06-01 adopting the annual budget for the fiscal year July 1, 2021 through June 30, 2022. By estimating revenues and appropriating funds for the operation of city government for a first time.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-06-02 updating the annual classification and compensation plan of the City of Bellevue for a first time.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-06-03 levying and assessing Ad Valorem taxes for General Fund and municipal purposes for the City of Bellevue for fiscal year July 1, 2021, through June 30, 2022, of all motor vehicles assessed within the City and setting the tax rate at .385 per \$100.00 valuation for a first time.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-06-04 amending the annual budget for the fiscal year July 1, 2020 through June 30, 2021, by estimating revenues and appropriating funds for the operation of City government for a first time.

FOR THE RECORD: City Attorney Dave Fessler read Ordinance 2021-06-05 amending the text of the Official Zoning Ordinance of the City of Bellevue to allow flexibility and regulate outdoor dining and entertainment as permitted and conditional uses for a first time.

FOR THE RECORD: Member Fisher opened discussion on Ordinance 2021-06-05 by asking how well the City will be able to administer the recommendations from Planning and Zoning as it relates to the ratio of seating – Administrator Warnock – new formula total number of inside seats (Fire Code) add to outdoor seating for total seats allowed (20% inside and 80 % outside). Total number is determined by the property and size of the bathrooms per the building code and ADA accessibility. Port-a-lets will not be allowed. Each individual business must be examined to determine seating capacity. City regulates this with Planning and Zoning and approves each. Policy can be modified as needed. Above ten outdoor seats requires a conditional use permit on an annual basis. Member Fisher would like to make sure this is administered fairly and does drain city staff time.

Member Witte stated he recognizes the positive changes being made but is not a fan of seating along building and on curb where pedestrians have to walk through. Zoning code relates to private property and tables and chair Ordinance addresses the public way. Tonight's Ordinance addresses zoning on private property. Use of sidewalks is a license agreement which can be revoked. Member Hogan asked if we currently have a policy in place – Yes per

Administrator Warnock but City does need to monitor and enforce better.

FOR THE RECORD:

City Attorney Dave Fessler read Ordinance 2021-06-06 an Ordinance amending Ordinance 2012-09-02 of the Bellevue Code of Ordinances relating to noise control.

FOR THE RECORD:

City Attorney Dave Fessler noted that this Ordinance was drafted using input from Council, Mayor, ease of enforcement and written with flexibility. Member Fisher questioned the use of “*prima facie*” and seeking clarification on intent of use. Per Attorney Fessler - If Police Officer makes that determination then he has met the rebuttable presumption and can talk to the owner about the noise. Police responses will generally be complaint driven. Council further discussed the decibel level noted.

FOR THE RECORD:

City Attorney Dave Fessler read Ordinance 2021-06-07 authorizing the issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,000,000 for the purpose of refunding the City outstanding General Obligation refunding bonds, series 2011, the proceeds of which were used to refund the City’s General Obligation Public Project Bond anticipation notes (Port of Bellevue Project), series 2001, the proceeds of which were used for the purposes of acquiring real estate and to construct and install various improvements around such real estate, including clearing, grading and retaining improvements, water system improvements, storm sewer system improvements, sanitary system improvements, paving and landscaping improvements; approving the form of the series 2021 bonds; authorizing designated officer to execute and deliver the series 2021 bonds; providing for the payment and security of the 2021 bonds; creating a bond payment fund; maintaining a sinking fund; authorizing the acceptance of the bid of the bond purchaser for the purchase of the 2021 bonds and authorizing the competitive sale of the series 2021 bonds; authorizing the execution of an escrow agreement, if required, and certificates necessary or required for the issuance of the bonds; and designating the bonds as “bank qualified” obligations for Federal Income tax purposes;

repealing inconsistent ordinances be read for a first time.

FOR THE RECORD: Mayor Cleves explained this as a cost savings to the City going from 3.37% interest to 1.5% interest and keeping the same term.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-01 appointing Matt Hanson to fill a vacancy as an alternate member to the City of Bellevue Board of Adjustment.

MOTION By Guidugli seconded by Fisher that Order 2021-06-01 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-02 approving allowing the placement of tables, chairs and other items on City of Bellevue sidewalks, the public way and private property adjacent to restaurants and taverns during the COVID-19 State of Emergency.

FOR THE RECORD: This Order extends the order that was in place under COVID until new rules are in place. Member Hogan asked if under the Temporary Outdoor Dining / Service Guidelines (11) the time could be pushed back to allow one extra hour. After discussion and lack of support no Motion to amend was made.

MOTION By Guidugli seconded by Kruse that Order 2021-06-02 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-03 appointing Mike Almoslechner to the Code Enforcement Board.

MOTION By Kruse seconded by Guidugli that Order 2021-06-03 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-04 appointing Peggy Cronin as a Member to the City of Bellevue Tree Commission to fill a vacancy.

MOTION By Witte seconded by Kruse that Order 2021-06-04 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-05 extinguishing and declaring null and void a

restriction on the real estate addition at 613 Center Street in Bellevue, Kentucky.

MOTION By Fisher seconded by Hogan that Order 2021-06-05 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Order 2021-06-06 approving the advertisement for bid and distribution of a preliminary official statement for the purchase of City of Bellevue, Kentucky General Obligation Refunding Bonds, Series 2021 in the approximate aggregate principal amount not to exceed \$2,000,000.

MOTION By Fisher seconded by Hogan that Order 2021-06-06 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Resolution 2021-06-01 approving certain actions in connection with the Community Development Block Grant Coronavirus (CDBG-CV) Utility Relief Program.

MOTION By Fisher seconded by Hogan that Resolution 2021-06-01 be adopted as read. Motion carried.

FOR THE RECORD: City Attorney Dave Fessler read Resolution 2021-06-02 appointing Frank Warnock as Title VI Coordinator and appointing Wayne Herriford, Christine Mayhew and Danielle McDonald as Title VI Committee Members.

MOTION By Guidugli seconded by Kruse that Resolution 2021-06-02 be adopted as read. Motion carried.

FOR THE RECORD: Jewish Hospital Mobile Mammography Unit will be at the Callahan Community Center, 322 Van Voast from 8:30 – 11 am.

2nd Saturday Concert Series July 10th The Bellairs.

City Wide Yard sale June 12th 8 am – 5 pm

July 16 & 17 local production of a Midsummer Night Dream. Thomas J. Wiethorn Memorial Beach Park from 7-8 pm.

June 19th Adventure Warrior Camp. Thomas J. Wiethorn Memorial Beach Park beginning at 2 pm.

Art in the Park September 11th.

FOR THE RECORD:

Administrator Warnock stated that any amendments to the budget would require two more readings during June. Council can always amend the budget during the year. Member Guidugli noted that the City may have to increase the Fire contribution.

MOTION By Guidugli seconded by Kruse to adjourn at 8:23 pm. Motion carried.

Mayor, Charlie Cleves

ATTEST:

Mary H. Scott, City Clerk