

City of Crescent Springs
Regular Council Meeting Minutes
May 14, 2018 - 7:00 pm

The regular meeting of the Crescent Springs City Council was called to order by Mayor Lou Hartfiel at 7:00pm. The meeting began with a prayer led by Mayor Hartfiel followed by the pledge of allegiance.

Roll call showed the following council members present – Matt Zeck, Christie Arlinghaus, Mike Daugherty, Bob Mueller, Tom Vergamini and Carter Dickerson. Also present were City Administrator George Ripberger, City Clerk April Robinson, City Attorney Mike Baker, and Dewey Krohman of Public Works.

APPROVAL OF MINUTES

Matt Zeck made a motion to approve the minutes of the **April 9, 2018 Regular Council Meeting**. Christie Arlinghaus seconded the motion. **Motion passed unanimously.**

SENATOR CHRIS MCDANIEL – LEGISLATIVE UPDATE

Senator McDaniel updated council on the Legislative updates from the most recent session.

Changes were made with regards to budgets, taxes and pensions.

“Executive budgets: most agencies saw a 6.25% cut in funding. They were able to provide record funding per seat at \$4000 per pupil while also implementing outcomes based funding. NKU has advocated for this. They are the highest performing and lowest funded regional university in the Commonwealth. This will correct much of that disparity. We provided \$20 Million dollars in each year to the University of Kentucky to study health disparity initiatives. This is important because in the last budget from Congress there was \$3.1 Billion in grant money for universities to study this very thing. This was a big request from University of Kentucky. We were able to fully fund the family resource youth centers as well as the Kentucky State Police and increase slots for acquired brain injury and increase reimbursement rates for community living services. Those two programs serve some of the most vulnerable and needy among us who for various reasons simply are not able to function without a great deal of societal help. We put \$2.5 billion each year for Pediatric Cancer Research and funded kindship care. Also fully funded the SEEK health insurance contribution which prevents local districts from having to absorb additional hits through employee health insurance and at the same time fully funded the library per capita grant program.

On the taxation side we increased cigarette taxes by 50 cents a pack as well as expanded sales taxes to repair/installation, maintenance, landscaping, tanning salons, industrial laundry, small pet care, diet & weight loss centers, extended warranties, pet grooming, boarding, dry cleaning, bowling, golf, health spas, fitness centers and limousines. Those two items, both the expansion and the increase in the cigarette tax allow us to do the other items we did. We lowered the personal income tax rate to 5% which is in effect January 1st of 2018. That is actually a retroactive drop in the personal and corporate tax rate. We did reduce the retirement exemption to 31.1% but we left Kentucky as one of the only states that does not tax Social Security income. As a way of understanding, a married couple can make \$16,000 roughly a piece with social security which will give you a \$32,000 income plus \$31,000 in retirement each to come to another \$62,000. So, you

have a married couple with an income of \$94,000 per year before you would begin to be paying income tax to the Commonwealth of Kentucky and that doesn't count if you have mortgage interest and charitable tax deductions on top of it. We did eliminate the \$10 personal exemption and on the corporate side transitioned a single sales factor apportionment and in the second year we will begin phasing out the inventory tax. Our income tax is now the tenth lowest in the nation and our overall tax structure previously ranked 33rd is now ranked 18th in the nation.

On the Pension side: One of the little known things is that if you are a university and you have a professor who comes in that could be in the teachers retirement system and if that professor opts to go into your other benefit plan because universities can offer 403B's and 457's, if a professor opts into that other plan you have to pay 5.1% of that person's salary for the duration of their employment to the teachers retirement system for the privilege of not putting that professor into the teacher's retirement system. We will no longer make that requirement of the universities, we froze contributions for quasi-governmental agencies retirement systems for a year. We did fully fund the Kentucky Retirement System for the third budget in a row and the Kentucky Teacher's Retirement System for the second budget in a row. There was no funding for legislative pensions and that instead went to the State Police Retirement System.

On the employee side there were a few main changes. The first one is requiring a hard 20, 25 & 27 work. If you are eligible for a twenty year pension you actually have to be on the job for twenty years. You cannot have nineteen years plus a year of sick leave. You have to have twenty years. Sick leave can still count toward your pension. If you have twenty years and a year of sick leave, you can retire with 21 years of service but you cannot use it to get to the years of service. You have to use a full 36 or 60 months for your high three or five respectively. Right now you can use 25 months for three years or 49 months for five years depending on the system you are in. We said that has to be a full 36 months or a full 60 months. We also said we would no longer use allowances for pension calculations. Presently the only two that are really used are uniform and gun allowances. For pension calculation we said you cannot use allowances; it actually has to be W-2 wages moving forward. We also said that sick days are frozen in all systems as of the end of this year. You can use what you have accumulated at the end of this year but anything else you accumulate in the future is strictly a buyout at the end of your career. For Retirements KRS 2003-2008 hires there is a 1% contribution to the retiree health plan. That is just like Tiers II and III employees have right now as well. All future teachers will be in a hybrid cash balance plan. Ten percent of the employee's salary will go to their pension, six percent of their salary will come from the Commonwealth to their pension, and two percent of their salary will come from the local school district for a total contribution to the pension system of 18%. That will remain in the Kentucky Teachers Retirement System. I have had a lot of questions on whether the system is closing. It is not. This is still a Social Security replacement plan under the Teachers Retirement System. We did match all school construction nickels. One of our big priorities was trying to help facilitate school resource officers in the schools. You can enter into a contract with the Kentucky State Police for off duty troopers to provide security. Prior to this troopers were not allowed to have secondary employment. The second thing is if you hire a retired police officer you do not have to pay their pension health insurance contribution as is the case right now.

On public safety we allow the county police department to rehire retirees like all other police departments. We said there will be no private prisons. We did give raises for social workers and State lab technicians. We also increased reimbursement rates for private childcare agencies. These are the folks that house for us the difficult to place foster children. In our region we have the

Children's Home of Northern Kentucky, DCCH as well as Holly Hill. They have not seen reimbursement rate increases since about 2000. House Bill 1 did major reform to foster and adoptive systems and we also created additional crimes for gang recruitment. To me this session, the big sleeper issue was House Bill 373 because it deals with a very changing reality of modern community services and of law enforcement and that is body cameras and what is or isn't subject to open records requests. What House Bill 373 says is footage from inside people's homes, sexual assaults, nudity & involving children is no longer subject to open records requests. It is still there for prosecutorial and law enforcement purposes.

On economic development we preserved the historic preservation tax credit and said the fee in lieu of program had to be offered from fish and wildlife to all 120 counties. Right now we can only get it in Northern Kentucky from NKU (Northern Kentucky University).

Under Local Government the pension can increase no more than 12% per year. I know this was a big deal for your council and councils across the Commonwealth. We changed the PVA fee structure for use of data by cities and counties, modernized the state workers compensation system through House Bill 2. Senate Bill 88 prohibited unfunded mandates on cities and finally something we have all been working collectively for a long time; we changed the publication requirements. It only applies to counties with populations greater than 90,000 in the last census. You will no longer have to publish your full audit, your full job posting. You can simply say the City of Crescent Springs has had an audit, you can go to our website to view it. You leave it on your website for a year and you will now meet your publication requirements.

On the road plan: You will see there was a lot of money for paving on I275; there will be about 19 million dollars' worth over the course of the biennium and about 30 million dollars going for additional work on the Brent Spence Bridge as well as other miscellaneous projects."

JUDGE KRIS KNOCHELMANN – BROMLEY-CRESCENT SPRINGS ROAD UPDATE

Judge Knochelmann addressed council. Approximately four years ago Kenton County had the opportunity to partner with OKI to go after Federal money to help pay for the Bromley-Crescent Springs Road Project. They received the grant which is structured as an 80/20 grant. The County is fully supportive of the project and has partnered with the cities of Crescent Springs and Fort Mitchell in order to fund the project. The estimates for the construction are 70 to 80 percent higher than expected. This is due to the creek, hills and many other needs that were not realized initially. The original concepts showed high retaining walls, round-a-bouts and more straightening of the road and which brings speed. All of these concepts had to be re-evaluated due to round-a-bouts being expensive and taking a large amount of right-away and the fact that straightening the road will increase speed.

The County is wanting the State to take long term ownership of the Bromley-Crescent Springs Road. Snow removal from the road will be a concern after the State takes ownership. Kenton County will make sure snow removal will not be an issue.

Nick Hendrix addressed council regarding Bromley-Crescent Springs Road. He stated that field work has been completed and preliminary reports should be completed mid-June and final reports in the fall. Right of way acquisition should begin in mid-July and the county is hoping this as well as utility relocation may occur at the same time. Construction letting is in December 2019 which will lead to "shovels in the ground" in spring 2020. Mr. Hendrix said the road would most likely be built in two sections. The two sections are the upper section from the bridge and then the lower section of the road from the bridge down to short Amsterdam.

A multiuse path is a requirement of the grant for the new road and will be an eight foot wide path that will run from Amsterdam to Short Amsterdam on the left side of the road.

FIRE AUTHORITY REPORT

Mike Daugherty reported that new structure has been installed in the existing ambulance and is ready to go. The new ambulance is ready and should be delivered just after July 2018.

FINANCE REPORT

Council was provided with a 2017-2018 revised budget as well as the 2018-2019 proposed budget. The first readings for both would take place during this meeting. An in depth budget discussion will occur on May 21st at the special meeting.

Mr. Zeck highlighted that the appropriate revisions have been made to the 2017-2018 budget. Revisions have been made to the revenues where they were anticipated but have not been received. There was a nice spike in insurance premium taxes but this revenue is not expected this coming year due to it being from life insurance policies. The revised budget does show a little more revenue due to the insurance premium taxes. The 2018-2019 budget shows an increase in expenses in administration as well as public works. This increase is driven heavily by increases in health, property and casualty insurances. Other increased expenses are due mainly to proposed projects and equipment that needs to be purchased. The revision of the 2017-2018 year shows a shortfall of about \$239,000. The 2018-2019 budget shows a shortfall of about \$157,000. Mr. Zeck mentioned that the budgets are not showing giant surpluses so council needs to remain conscious of expenses.

PUBLIC WORKS REPORT

Dewey Krohman reported the following:

- Drains are being kept clean of debris
- Grass is being cut
- Mulch and chips have been put down in the park
- Roads are being inspected for crack sealing needs
- The footer has been poured for the construction of the new restroom near shelter #3
- The banners throughout the City have been changed to the spring banners

CITY ADMINISTRATOR

Public Works is moving forward on the construction of the restroom in the park. Drawings were made up of the restrooms with the engineering seal and applications have been made for the permits.

Plans for the Reserves of Meadow Wood are available for review.

Stage I plans for Three Springs Townhomes and Anchor Development have been received and Andy Videkovich from Planning and Development Services is ready to make the presentations on them.

MAYOR'S REPORT

No report.

OLD BUSINESS

Tom Vergamini stated a copy of the Economic Development report had been received from Jim Parsons. Jim Parsons will attend the June Caucus meeting where he will explain the contents of the report.

NEW BUSINESS

Andy Videkovich presented the Stage I plan for Three Springs Townhomes to Council.

Three Springs Townhomes L.P. on behalf of the Estate of Ignace and Helen Winterberg, LLC, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Review of a Stage I Development Plan for an area of approximately 2.12 acres located between Lynn Street and Queen City Avenue and across from Crest Avenue, approximately 930 feet northeast of, Buttermilk Pike in Crescent Springs which is currently zoned MLU-2 (Mixed Land Use Two); the applicant proposes to construct a 40-unit multi-family development.

A favorable recommendation was given by the Kenton County Planning Commission on the Stage I Development Plan for the described area which is currently zoned MLU-2 (Mixed Land Use Two).

- Submitted Stage I Development Plan is generally consistent with Direction 2030. The Recommended Land Use map calls for this area to mixed use. This development is consistent with the recommended use. The proposed development will encourage a variety of housing within close proximity to employment centers and where utilities and community services already exist.
- The submitted development plan meets the minimum requirements of the Crescent Springs Zoning Ordinance, except for the following. This will need to be provided on the Stage II Development Plan: Section 10.24, G., 3, states that convenient pedestrian connections shall be provided to adjoining residential and commercial developments, and other compatible land uses. No pedestrian connections are shown on the plan to the adjacent property to the south.

Andy Videkovich presented the Stage I plan for Anchor Development to Council.

Anchor Associates per Brad Copp on behalf of M and T Real Estate Holdings, LLC, and Stratford Development, LLC, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Review of a Stage I Development Plan for an area of approximately 2.9 acres located between Buttermilk Pike and Ireland Avenue between Anderson Road to the Southeast and Harris Street to the northwest, approximately 450 feet northwest of Anderson Road in Crescent Springs which is currently zoned MIU-2 (Mixed Land Use Two); the applicant proposes to construct an 11,800 square foot building that includes restaurant and retail uses.

A favorable recommendation was given by the Kenton County Planning Commission on the Stage I Development Plan for the described area which is currently zoned MLU-2 (Mixed Land Use

Two) with an emphasis on the requirement for a future cross-connection to the property to the northwest.

- The KCPC finds that the submitted Stage I Development Plan is generally consistent with Direction 2030 by providing pedestrian connectivity. The submitted development plan indicates internal sidewalks from the off-street parking area to the proposed building. These connections are shown to connect to both adjacent streets, providing pedestrian access from outside the site. The Plan is also consistent with the recommended land use which calls for mixed use development.
- The submitted development plan meets the minimum requirements of the Crescent Springs Zoning Ordinance, except for the following:
 - Section 10.24, C., 39., states that drive-thru restaurants are only permitted with an approved development agreement and consistency with the walkability component of the zone. The applicant is in discussions with the City about a development agreement to have this approved.
 - Section 10.24, F. and G., 1., states that at least 60 percent of the building facade must be setback 15 feet from the front, unless otherwise approved on the Development Plan or Development Agreement. The development is proposed to be 112 feet setback from the frontage with Buttermilk Pike (a difference of 97 feet). The applicant is in discussions with the City about a development agreement to have this approved.

If these exceptions are not approved through a development agreement, they must be provided in accordance with the zoning ordinance.

- Section 8.6-4 of the Kenton County Subdivision Regulations requires providing an easement for cross access to adjacent undeveloped parcels while meeting all applicable access spacing standards specified in these Subdivision regulations. If approved, provisions for a future cross-connection to the adjacent property to the northwest will be required

Attorney Mike Baker read the following Resolution, Municipal Orders and Ordinances:

Resolution 2018-2 AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT RENEWING THE NORTHERN KENTUCKY GOVERNMENTAL PURCHASING AGREEMENT TO EXTEND THE DURATION TO 2028

Matt Zeck made a motion to approve **Resolution 2018-2**. Bob Mueller seconded the motion.
Motion passed unanimously.

Municipal Order 2018-2 AUTHORIZING THE APPOINTMENT OF CHAD LONGBONS TO THE BOARD OF ADJUSTMENTS

Mike Daugherty made a motion to approve **Municipal Order 2018-2**. Christie Arlinghaus seconded the motion. **Motion passed unanimously.**

Municipal Order 2018-3 AUTHORIZING THE CITY ADMINISTRATOR, GEORGE RIPBERGER, TO FILE A ZONING TEXT AMENDMENT TO THE MLU-2 ZONE TO ALLOW AREAS OF LESS THAN TWO ACRES TO BE DEVELOPED WITHIN THE MLU-2 ZONE

Tom Vergamini made a motion to approve **Municipal Order 2018-3**. Carter Dickerson seconded the motion. **Motion passed unanimously.**

Municipal Order 2018-4 AUTHORIZING THE MAYOR TO EXECUTE NECESSARY DOCUMENTATION WITH COMMONWEALTH OF KENTUCKY DEPARTMENT OF LOCAL GOVERNMENT REGARDING DEED RESTRICTIONS TO OBTAIN GRANTS FOR THE PUBLIC OUTDOOR RECREATION PROJECT

Bob Mueller made a motion to approve **Municipal Order 2018-4**. Carter Dickerson seconded the motion. **Motion passed unanimously.**

Municipal Order 2018-5 AUTHORIZING THE MAYOR TO APPOINT ROBERT MUELLER AND GEORGE RIPBERGER TO THE VILLA HILLS SAFETY COMMITTEE

Carter Dickerson made a motion to approve **Municipal Order 2018-5**. Matt Zeck seconded the motion. Councilman Robert (Bob) Mueller and Councilman Tom Vergamini both abstained from voting. **Motion passed 4-0.**

Ordinance 2018-3 - 1st Reading - APPROVING STAGE I DEVELOPMENT PLAN FOR THREE SPRINGS TOWNHOMES L.P., AN AREA CONSISTING OF APPROXIMATELY 2.12 ACRES LOCATED BETWEEN LYNN STREET AND QUEEN CITY AVENUE AND ACROSS FROM CREST AVENUE, APPROXIMATELY 930 FEET NORTHEAST OF BUTTERMILK PIKE IN CRESCENT SPRINGS, KENTUCKY

Ordinance 2018-4 - 1st Reading - APPROVING STAGE I DEVELOPMENT PLAN FOR PROPERTIES LOCATED AT 615 AND 621 IRELAND AVENUE AND 616, 618, 620, AND 626 BUTTERMILK PIKE, AN AREA OF APPROXIMATELY 2.9 ACRES LOCATED BETWEEN BUTTERMILK PIKE AND IRELAND AVENUE BETWEEN ANDERSON ROAD TO THE SOUTHEAST AND HARRIS STREET TO THE NORTHWEST, APPROXIMATELY 450 FEET NORTHWEST OF ANDERSON ROAD IN CRESCENT SPRINGS, KENTUCKY

Ordinance 2018-5 - 1st Reading - AMENDING ORDINANCE NO. 2017-3 APPROVING THE ANNUAL BUDGET OF JULY 1, 2017 THROUGH JUNE 30, 2018

Ordinance 2018-6 - 1st Reading - ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

Ordinance 2018-7 - 1st Reading - ADOPTING THE 2018 S-27 SUPPLEMENT FROM AMERICAN LEGAL PUBLISHING CORPORATION OF CINCINNATI, OHIO OF THE CODE OF ORDINANCES TO THE CITY OF CRESCENT SPRINGS, KENTUCKY

COMMENTS

ADJOURNMENT

Carter Dickerson made a motion to adjourn. Mike Daugherty seconded the motion. All were in favor. **Motion passed.** The meeting was adjourned at 8:41pm.

ATTESTED BY:

April C Robinson

April C. Robinson, Clerk/Treasurer

Lou Hartfiel

Lou Hartfiel, Mayor

Approved: June 11, 2018