CITY OF FLORENCE KENTUCKY®

FLORENCE CITY COUNCIL

MINUTES – REGULAR MEETING TUESDAY, NOVEMBER 24, 2009

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, November 24, 2009 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

CALL TO ORDER & WELCOME:

Mayor Whalen called the regular meeting to order and declared the Regular Session to be open for the presentation of all City business.

ROLL CALL:

The roll was called and the following six (6) members of Council registered present: Mel Carroll, Mike Apgar, David A. Osborne, Dr. Julie Metzger Aubuchon, J. Kelly Huff, and Vice Mayor Ted Bushelman.

Also present were Mayor Diane E. Whalen, City Coordinator Richard J. Lunnemann, City Attorney Hugh O. Skees, Business/Community Development Director Josh Wice, Finance Director Linda J. Chapman, Fire/EMS Chief Marc Muench, Police Chief Tom Szurlinski, City Engineer Bill Viox, Police Officer Mike Steward, Fire/EMS Assistant Chief Tom Baumann, Fire/EMS Captain Troy Webster, Fire/EMS Battalion Commander Kelly Aylor, Fire/EMS Training Commander Chris Miller, Fire/EMS Volunteer Staff Members Lieutenant Todd Brown, Apparatus Operator Brad Foley, & Recruit Firefighter Anthony Cain, Woodspring Apartments residents Damon Brock, Darron Brock, Tabitha Bowling & Jared Simpson, Boone County Emergency Management Deputy Director Mark Ihrig, Charlie Rolfsen (8290 Pleasant Valley Road), Videographer Jerry Schrepfer, and City Clerk Joe Christofield.

APPROVAL OF MINUTES:

Mayor Whalen called for a motion to approve the minutes of the October 27, 2009 business meeting of Council. Vice Mayor Bushelman so moved, with second from Councilmember Osborne. **Council approved by unanimous vote.**

SWEARING-IN:

Fire/EMS Volunteer Staff Members: Lieutenant Todd Brown, Apparatus Operator Brad Foley, & Recruit Firefighter Anthony Cain

Mayor Whalen recognized Fire/EMS Chief Marc Muench who introduced Fire/EMS Volunteer Staff Members Lieutenant Todd Brown, Apparatus Operator Brad Foley, & Recruit Firefighter Anthony Cain. Mayor Whalen then gave the Oath of Office to Fire/EMS Volunteer Staff Members: Lieutenant Todd Brown, Apparatus Operator Brad Foley, & Recruit Firefighter Anthony Cain

PROCLAMATIONS:

Mayor Whalen recognized Fire/EMS Chief Marc Muench who introduced Woodspring Apartments residents Damon Brock, Darron Brock, Tabitha Bowling, & Jared Simpson. Mayor Whalen read aloud four (4) proclamations recognizing Woodspring Apartments residents Damon Brock, Darron Brock, Tabitha Bowling, & Jared Simpson for rescuing fellow residents during a fire at the apartment complex on October 24.

PRESENTATION:

Boone County Citizens Corps

Mayor Whalen introduced Mark Ihrig, Boone County Emergency Management Deputy Director, who spoke to City Council regarding the Boone County Citizens Corps. Additional discussion followed.

MUNICIPAL ORDERS:

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-18-09:
A MUNICIPAL ORDER AUTHORIZING PARTICIPATION BY THE CITY OF FLORENCE, KENTUCKY IN THE KENTUCKY RETIREMENT SYSTEM'S ALTERNATE UNUSED SICK LEAVE PROGRAM UNDER KRS 78.616(2) (5).

Councilmember Huff moved, with second from Councilmember Metzger Aubuchon, that Municipal Order No. MO-18-09 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-19-09:
A MUNICIPAL ORDER APPROVING THE SALE OF THREE SURPLUS POLICE CRUISERS TO THE CITY OF WARSAW, KENTUCKY, AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH RESPECT THERETO.

Councilmember Apgar moved, with second from Councilmember Carroll, that Municipal Order No. MO-19-09 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-20-09:
A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JANET KEGLEY TO THE BOONE COUNTY PLANNING COMMISSION AS A MEMBER APPOINTED BY THE CITY OF FLORENCE, KENTUCKY FOR A FOUR (4) YEAR TERM.

Councilmember Metzger Aubuchon moved, with second from Councilmember Osborne, that Municipal Order No. MO-20-09 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-21-09:
A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF CHARLIE ROLFSEN TO THE BOONE COUNTY PLANNING COMMISSION AS A MEMBER APPOINTED BY THE CITY OF FLORENCE, KENTUCKY FOR A FOUR (4) YEAR TERM.

Councilmember Carroll moved, with second from Councilmember Metzger Aubuchon, that Municipal Order No. MO-21-09 be approved as reviewed. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-22-09:
A MUNICIPAL ORDER APPROVING THE APPOINTMENT OF MIKE APGAR TO THE BOARD OF DIRECTORS OF OHIO, KENTUCKY, AND INDIANA REGIONAL COUNCIL OF GOVERNMENTS FOR A ONE (1) YEAR TERM.

Vice Mayor Bushelman moved, with second from Councilmember Osborne, that Municipal Order No. MO-22-09 be approved as reviewed. **Council approved by unanimous vote.**

RESOLUTION:

Mayor Whalen presented the following Resolution for consideration:

RESOLUTION NO. R-15-09:
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET AND THE CITY OF FLORENCE, KENTUCKY, FOR THE KENTUCKY 18 AND INTERSTATE 71/75 PEDESTRIAN CONNECTION PROJECT.

Councilmember Apgar moved, with second from Councilmember Carroll, that Resolution R-15-09 be approved as reviewed. Council approved by unanimous vote.

MAYOR'S REPORT:

Mayor Whalen advised of a letter dated November 17, 2009 from Florence City Councilmember Mike Apgar to Florence Mayor Diane E. Whalen, Members of Florence City Council, and Members of Florence City Staff and Cc Jeffrey A. Eger of Sanitation District No. 1 regarding response from and recommendation of the Northern Kentucky regional Ethics Authority (NKREA) Ethics Enforcement Committee.

With respect to the ongoing discussions involving the City of Florence and Sanitation District No. 1 (SD1) of Northern Kentucky and as I am a member of Council and employed by SD1, I asked the NKREA to offer an advisory opinion as to any potential conflict of interest that may exist due to my relationship with both parties. I received the response from their November 16, 2009 deliberation today, November 17, 2009, via the US Postal Service.

In their opinion, a conflict of interest does exist and as such I have been "strongly advised to refrain from participating in discussions, negotiations and votes regarding issues involving the City of Florence and Sanitation District No. 1". In addition, under Section 43.15 (E) I have the responsibility to disclose to fellow members of City Council, in writing, the nature of this conflict. To properly explain the specifics of the conflict I will quote from the NKREA Opinion. It states: "the potential to provide additional funding to SD1 or mitigate potential fines and penalties that can accrue to SD1 if action is not taken, there is a potentially significant, yet unknown, amount of financial benefit to your employer." The NKREA Ethics Enforcement Committee further advises this written disclosure, and I will once again quote their document, "shall be entered on the official record of the proceedings of the Council."

As such, I am requesting this document be entered into the official Council proceedings. In addition, let it serve as my written intent to follow the advice rendered to me today by the NKREA Ethics Enforcement Committee.

Sincerely,

Mike Apgar
Council Member City of Florence

Mayor Whalen advised of the City's annual Christmas Tree Lighting, scheduled for Tuesday, December 1 from 6-8pm at the Florence Government Center.

Mayor Whalen advised of the Family Aquatic Center memberships and the 10% discount being offered by the City through April 30, 2010.

Mayor Whalen advised Rumpke is expanding its recycling items by adding plastic bottles numbers 3-7.

Mayor Whalen advised of the City's City on a Diet program, scheduled to begin in January.

Mayor Whalen advised of the City's new countdown clock on display in the Council Chambers to help promote the 2010 Equestrian Games.

CITY COORDINATOR'S REPORT:

City Coordinator Rick Lunnemann advised of the temporary lane closures scheduled to occur on Mall Road on November 24 and November 25. He said there would be no closures on November 26 or November 27 to allow for unrestricted access for after-Thanksgiving shoppers. He said temporary lane closures will continue during the weekdays beginning on November 30 through December 11, adding weekend traffic will not be impacted. He said these temporary lane closures are to allow for test drilling of the roadway in conjunction with the proposed rebuild of Mall Road which will occur in 2010. He also said Florence Police would be onsite during work hours to facilitate traffic movement.

OTHER:

Mayor Whalen asked if any Councilmember desired recognition; Councilmember Metzger Aubuchon said her Green Living Tip of the month was to use LED Christmas lights/energy efficient lights.

Councilmember Apgar asked if the store owners at the Florence Mall were aware of the upcoming construction scheduled on Mall Road; City Coordinator advised a media release was issued and the Florence Mall was notified.

Councilmember Metzger Aubuchon advised citizens to shop in Florence during the holiday season.

Mayor Whalen asked if any department head desired recognition; no one responded.

Mayor Whalen asked if anyone in the audience desired recognition; no one responded.

EXECUTIVE SESSION:

There was no need for City Council to go into Executive Session.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Carroll so moved, with second from Councilmember Huff, and **unanimous approval of Council,** the time being 7:45 p.m.

APPROVED:

Diane E. Whalen, Mayor

ATTEST:

Joseph A. Christofield, City Clerk

CITY OF FLORENCE KENTUCKY