



## FLORENCE CITY COUNCIL

### MINUTES – REGULAR MEETING      TUESDAY, SEPTEMBER 13, 2011

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, September 13, 2011 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, Gary Winn, Vice Mayor Mike Apgar, Dr. Julie Metzger Aubuchon, Larry Brown, and David A. Osborne.

Also present were Mayor Diane E. Whalen, City Coordinator Rick Lunnemann, City Attorney Hugh O. Skees, Business/Community Development Director Josh Wice, Fire/EMS Chief Marc Muench, Police Chief Tom Szurlinski, Public Services Director Bob Townsend, Boone County Emergency Management Director Mark Ihrig, 1971 Boone County High School Graduates Pat Berry and Beva Black Huser, Videographer Jerry Schrepfer, Florence Recorder Reporter Justin Duke, and City Clerk Joe Christofield.

#### APPROVAL OF MINUTES:

##### **August 23, 2011 Business Meeting**

Mayor Whalen called for a motion to approve the minutes of the August 23, 2011 business meeting of Council. Vice Mayor Apgar so moved, with second from Councilmember Winn. **Council approved by unanimous vote.**

#### PROCLAMATIONS:

##### **National Preparedness Month**

Mayor Whalen recognized Boone County Emergency Management Director Mark Ihrig who addressed City Council regarding National Preparedness Month. Additional discussion followed.

Mayor Whalen read aloud a proclamation declaring September as National Preparedness Month in the City of Florence.

##### **Boone County High School Class of 1971**

Mayor Whalen recognized 1971 Boone County High School graduates Pat Berry and Beva Black Huser who addressed City Council regarding Boone County High School Class of 1971. Mr. Berry said the Class of 1971 would be holding its 40<sup>th</sup> reunion on Saturday, September 17 at 6:30pm at Boone County High School. Additional discussion followed.

Mayor Whalen read aloud a proclamation recognizing the Boone County Class of 1971.

##### **National Gymnastics Day**

Mayor Whalen read aloud a proclamation declaring Saturday, September 17, 2011 as National Gymnastics Day in the City of Florence.

**SECOND READINGS:**

Mayor Whalen presented the following Ordinance for second reading:

**ORDINANCE NO. O-14-11:**

AN ORDINANCE ADOPTING AND APPROVING TEXT AMENDMENTS TO ARTICLES 10, 11 AND 40 OF THE CURRENT BOONE COUNTY ZONING REGULATIONS AS ADOPTED IN YEAR 2008, AS APPLICABLE TO THE CITY OF FLORENCE, KENTUCKY; THE PURPOSE BEING TO DEFINE, PERMIT AND REGULATE “FIREWORKS RETAIL SALES” IN COMMERCIAL SERVICES (C-3), COMMERCIAL FOUR (C-4), INDUSTRIAL ONE (I-1), AND INDUSTRIAL TWO (I-2) ZONING DISTRICTS WITHIN THE CITY OF FLORENCE, KENTUCKY.

Mayor Whalen read aloud the following summary of the Ordinance:

*This Ordinance amends text provisions of the Boone County Zoning Regulations as applicable to the City of Florence, Kentucky, to regulate the use and sale of consumer fireworks. These amendments apply to Articles 40, 10, and 11 of those Boone County Zoning Regulations. The effect of these amendments is to establish a definition for “Fireworks Retail Sales” and to allow such use as principally permitted uses in the Commercial Four (C-4) zoning district. These amendments also allow “Fireworks Retail Sales” as conditional uses in the Commercial Services (C-3), Industrial One (I-1), and Industrial Two (I-2) zoning districts within the City of Florence, Kentucky.*

Councilmember Metzger Aubuchon advised the City’s Planning & Zoning Committee voted 2-0 to approve the a series of zoning text amendments to Articles 10, 11, and 40 of the Boone County Zoning Regulations to define and permit “fireworks retail sales” in the C-3, C-4, I-1, and I-2 zones, along with special conditions.

Mayor Whalen called for a motion to approve Ordinance No. O-14-11 on second reading. Councilmember Brown so moved with second from Councilmember Metzger Aubuchon, that Ordinance No. O-14-11 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

Mayor Whalen presented the following Ordinance for second reading:

**ORDINANCE NO. O-15-11:**

AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY HEALTHWAREHOUSE.COM UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100).

Mayor Whalen read aloud the following summary of the Ordinance:

*Pursuant to the Kentucky Business Investment Program and in response to the plans of HealthWarehouse.com, to relocate and expand its facility to a Northern Kentucky location at 7107 Industrial Road in the City of Florence, this Ordinance authorizes a credit of the City’s occupational license fee, for a ten year period, equal to 1.0% on wages of new jobs for Kentucky resident employees created as part of this economic development project.*

Mayor Whalen called for a motion to approve Ordinance No. O-15-11 on second reading. Councilmember Winn so moved with second from Councilmember Brown, that Ordinance No. O-15-11 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

Mayor Whalen presented the following Ordinance for second reading:

**ORDINANCE NO. O-16-11:**

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A 1.2973 ACRE PARCEL LOCATED ALONG THE SOUTHWEST LINE OF THE NEW SOUTH AIRFIELD CONNECTOR ROAD, ADJACENT TO THE CITY LIMITS. (CRIST PROPERTY)

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Mayor Whalen read aloud the following summary of the Ordinance:

*This Ordinance annexes and makes a part of the City a tract of approximately 1.2973 acre located along the southwest line of the new South Airfield Connector Road, adjacent to the city limits. This annexation is in response to a request by RC DK Properties, LLC, the owner to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance. After annexation the property will remain subject to the same land use restrictions as applied prior to annexation.*

Mayor Whalen called for a motion to approve Ordinance No. O-16-11 on second reading. Vice Mayor Apgar so moved with second from Councilmember Metzger Aubuchon, that Ordinance No. O-16-11 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

**FIRST READING:**

Mayor Whalen presented the following Ordinance for first reading:

**ORDINANCE NO. O-17-11:**

AN ORDINANCE RELATING TO THE LEVYING OF A TAX UPON REAL ESTATE AND PERSONAL PROPERTY IN THE CITY OF FLORENCE, KENTUCKY; LEVYING A TAX ON ALL FRANCHISES TAXABLE WITHIN THE CITY OF FLORENCE, KENTUCKY; SPECIFYING PAYMENT DATES, DISCOUNTS AND PENALTIES FOR THE FRANCHISE TAX ON FINANCIAL INSTITUTIONS MEASURED BY THE DEPOSITS IN THE INSTITUTIONS LOCATED WITHIN THE CITY; AND LEVYING A SPECIAL TAX FOR THE PAYMENT OF CURRENT SERVICE COSTS FOR POLICE AND FIREMEN IN THE COUNTY EMPLOYEES RETIREMENT SYSTEM. (2011)

Mayor Whalen read aloud the following summary of the Ordinance:

*This is the Ordinance by which the City establishes tax rates and levies annual taxes. The basic tax levied for General Fund purposes is a tax of eighteen and two-tenths cents (\$.182) per one hundred dollars of value on real property and a tax of thirty three and nine-tenths cents (\$.339) per one hundred dollars of value on personal property (except for motor vehicles and watercraft) and upon all franchises taxable by the City. In addition this Ordinance levies a tax in the amount of six and four-tenths cents (\$.064) per one hundred dollars of value upon all real and personal property (except for motor vehicles and watercraft) and upon all franchises taxable by the City for the purpose of payment of the City's obligations for current service costs for police and firemen in the County employees' retirement system. All of the above mentioned taxes are due and payable upon final passage and publication of this Ordinance. A discount of two percent (2%) is allowed for any such taxes paid in full by November 1, 2011. Any such taxes remaining unpaid after January 1, 2012, are subject to a penalty of twelve percent (12%) plus interest on the amount unpaid at the rate of twelve percent (12%) per annum from January 1, 2012, until paid. This Ordinance also establishes the due date for the tax in the amount of twenty-five thousandths of one percent (0.025%) on all financial institutions measured by deposits in such institutions located in the City. This tax was levied by Ordinance No. O-18-96, pursuant to the Bank Franchise and Local Deposit Tax Act. (KRS 136.575) A two percent (2%) discount is allowed against this tax on bank deposits if paid before December 31, 2011. Any such taxes paid after January 31, 2012, will be subject to a penalty of twelve percent (12%) plus interest in the unpaid amount at the rate of twelve percent (12%) per annum from January 31, 2012, until paid. The Ordinance establishes corresponding due dates, discounts and penalties for subsequent years.*

Mayor Whalen called for a motion to approve Ordinance No. O-17-11 on first reading. Councilmember Osborne moved, with second from Councilmember Winn, that Ordinance No. O-17-11 be approved on first reading and be held for second and final reading at the next meeting of Council. **Council approved by unanimous vote.**

Mayor Whalen presented the following Municipal Order for consideration:

**MUNICIPAL ORDER NO. MO-14-11:**

A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF PHILLIP YANNARELLA TO THE CITY OF FLORENCE, KENTUCKY URBAN FOREST COMMISSION FOR A THREE (3) YEAR TERM.

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Mayor Whalen called for a motion to approve Municipal Order No. MO-14-11. Councilmember Winn moved, with second from Councilmember Brown, that Municipal Order No. MO-14-11 be approved as reviewed. **Council approved by unanimous vote.**

**MAYOR'S REPORT:**

**Mayor Diane E. Whalen**

Mayor Whalen advised of the City's annual Pooch Fest, scheduled for Saturday, September 17 beginning at 10:30am on the campus of the Florence Government Center.

Mayor Whalen advised of the Fire/EMS Department Open House celebrating "75 Years of Service", scheduled for Saturday, October 8 from 10am-2pm at 7600 Mall Road.

Mayor Whalen advised of the City's annual Fall Cleanup Week, scheduled for October 17-23 at the Public Services Maintenance Facility.

Mayor Whalen recognized Public Services Director Bob Townsend who gave a brief update regarding Mall Road. Additional discussion followed.

Mayor Whalen advised of the Boone County Arts & Crafts Show, scheduled for Saturday, September 18 from 11am-4pm at Boone Woods.

**CITY COORDINATOR'S REPORT:**

**City Coordinator Richard J. Lunnemann**

City Coordinator Rick Lunnemann advised there would be a Special City Council Meeting on Tuesday, September 20 at 7pm inside the Council Chambers followed by a caucus.

**OTHER:**

Mayor Whalen asked if any councilmember desired recognition; Councilmember Metzger Aubuchon advised she recently spoke to the manager of Massage Envy who informed her business was doing quite well, adding they have 35 employees.

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 Winn, and **unanimous approval of Council**, the time being 7:23 p.m.

APPROVED:

  
CITY OF  
Diane E. Whalen, Mayor

ATTEST:

  
Joseph A. Christofield, City Clerk

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