CITY OF FLORENCE KENTUCKY®

FLORENCE CITY COUNCIL

MINUTES – SPECIAL MEETING TUESDAY, JUNE 21, 2016

The City Council of the City of Florence, Kentucky met in Special Session on Tuesday, June 21, 2016 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

CALL TO ORDER:

Mayor Whalen called the special meeting to order and declared the Special Session to be open for the presentation of all City business on the Special Meeting Agenda.

ROLL CALL:

The roll was called and the following five (5) members of Council registered present: Mel Carroll, Gary Winn, J. Kelly Huff, Vice Mayor Dr. Julie Metzger Aubuchon, and David A. Osborne. Absent was Duane Froelicher.

Also present were Mayor Diane E. Whalen, City Coordinator Richard J. Lunnemann, City Attorney Tom Nienaber, Business/Community Development Director Josh Hunt, Finance Director Linda J. Chapman, Fire/EMS Chief Kelly Joe Aylor, Police Chief John McDermond, Public Services Director Eric Hall, Police Officer Chad Riddell, Florence Recorder Reporter Sarah Brookbank, Northern Kentucky Tribune Reporter Mark Hansel, River City News Reporter Trisha Scheyer, and City Clerk Joe Christofield.

APPROVAL OF MINUTES:

June 14, 2016 Business Meeting

Mayor Whalen called for a motion to approve the minutes of the June 14, 2016 business meeting of Council. Councilmember Huff so moved, with second from Councilmember Winn. **Council approved by unanimous vote.**

SECOND READINGS:

Ordinance No. O-8-16

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-8-16:
AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, AMENDING THE BUDGET FOR THE 2015-2016 FISCAL YEAR OF THE CITY. (AMENDMENT #2)

Mayor Whalen read aloud the following summary of the Ordinance:

The purposes of this amendment are: (a) to reflect an increase in General Fund Revenue due to the Power Cot Grant received by the Fire Department; (b) to reflect increases in General Fund Expenditures due to a correction of the Drug Task Force Unit Salaries in the Police Department, with a corresponding change in hazardous pension costs; (c) to reflect increased overtime expenses in Fire/EMS; (d) to reflect increases in the Public Services due to alteration expenses at the State Office Building and replacement of an HVAC unit in the garage; (e) for the addition of a line item to the City Project section relating to demolition of the Florence Inn; and (f) to reflect an increase in golf course expenses due to irrigation and maintenance issues.

Mayor Whalen called for a motion to approve Ordinance No. O-8-16 on second reading. Councilmember Winn so moved with second from Vice Mayor Metzger Aubuchon, that Ordinance No. O-8-16 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

Ordinance No. O-9-16

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-9-16:
AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, ADOPTING THE OFFICIAL BUDGET FOR THE 2016-2017 FISCAL YEAR OF THE CITY.

Mayor Whalen read aloud the following summary of the Ordinance:

This Ordinance adopts the fiscal year 2016-2017 budget of the City, including the General Fund, the Municipal Aid Road Fund, the Infrastructure Fund, the Asset Forfeiture Fund, the Aquatic Center Fund, the Water & Sewer Fund, the World of Golf Fund, and the Health and Dental Fund. Budgeted resources and expenditures are as shown on Exhibit "A".

Mayor Whalen called for a motion to approve Ordinance No. O-9-16 on second reading. Councilmember Huff so moved with second from Vice Mayor Metzger Aubuchon, that Ordinance No. O-9-16 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

Ordinance No. O-11-16

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-11-16:
AN ORDINANCE AMENDING PRIOR ORDINANCES RELATING TO PERSONNEL POLICIES, JOB DESCRIPTIONS, AND THE PAY PLAN.

Mayor Whalen read aloud the following summary of the Ordinance:

This Ordinance makes revisions to City regulations relating to personnel as follows:

a. To eliminate the position of Fire/EMS Lieutenant Temporary.
b. To create the position of CFO/HR.
c. To make the appropriate changes in the Pay Plan relating to the positions which were eliminated and created.
d. To add a cost of living factor of 1% to the Pay Plan.
e. To provide that paramedics promoted to lieutenant will start in Step 2 of the Captain's Pay Scale.

The full text of Ordinance No. O-11-16, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

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

FIRST READING:

Ordinance No. O-10-16

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-10-16:
AN ORDINANCE RELATING TO THE CITY OF FLORENCE CODE ENFORCEMENT BOARD; AMENDING AND REPEALING EXISTING ORDINANCES TO CONFORM TO THE PROVISIONS OF HOUSE BILL 422 OF THE 2016 REGULAR SESSION OF THE GENERAL ASSEMBLY WHICH MADE EXTENSIVE CHANGES TO THE STATUTES AUTHORIZING AND GOVERNING CODE ENFORCEMENT BOARDS (ORDINANCES AMENDED ARE: O-7-02, O-11-03, O-12-04, O-6-05, O-27-07, O-19-11, O-11-14, O-22-14, O-23-14. ORDINANCES REPEALED ARE O-27-04, O-4-10 AND O-2-14).

Mayor Whalen read aloud the following summary of the Ordinance:

The 2016 Regular Session of the General Assembly enacted House Bill 422 which made comprehensive revisions to the statutes authorizing and governing Code Enforcement Boards. This Ordinance amends Ordinance No. 0-7-02, which was the Ordinance by which the City originally established its Code Enforcement Board, together with other related Ordinances the provisions of which are enforced by the Board.

The Ordinance allows the Code Enforcement Board the option to assign a Hearing Officer to conduct proceedings and report findings and decisions to the Board.

The Ordinance provides for enforcement proceedings to be commenced by the issuance of a citation to a person believed to have committed a violation of an Ordinance assigned to the Code Enforcement Board for enforcement. The citation shall be issued to the violator by personal service, or by leaving a copy with a person eighteen (18) years of age or older on the premises, or by posting a copy on the premises and mailing a copy by regular mail to the owner of record of the property. The person to whom the citation is issued must respond within seven (7) days by paying the fine and remedying the violation, or by requesting a hearing. If the violator fails to so respond within seven (7) days, the citation shall become a final order and the violator shall be deemed to have waived the right to appeal.

If a hearing is requested, the matter shall be either heard by the Board or by a Hearing Officer and the decision from that hearing shall become a final order. Final Orders resulting from Hearings may be appealed to the District Court to be heard de novo. Such appeals shall be filed within 30 days of the issuance of the final order.

The City shall have a lien on the property of the person found guilty by final order. The lien shall be all civil fines assessed for the violation, together with all charges and fees incurred by the City in connection with enforcement of this Ordinance, including abatement costs.

The lien shall be recorded in the Office of the County Clerk and shall take precedence over all other liens except for state, school board and City taxes. The lien may be enforced by judicial proceedings including foreclosure.

In order to maintain the lien priority over previously filed liens, the City must create a notification system to provide lien holders and others notice of final orders. Individuals or entities who register with the City shall receive electronic notification of final orders. In addition, the City shall post summary notification of final orders at the public website.

This Ordinance also amends various Ordinances which are enforceable by the Code Enforcement Board to reference their relationship to this Ordinance.

Pursuant to KRS 83A.060(9)(c), Section XII of this Ordinance which imposes civil fines is set forth in full as follows:

SECTION XII

Ordinance Civil Fine Schedule. Violations of Ordinances that are enforced by the Board shall constitute a civil offense and pursuant to Section 2 (2)(b) of The Act shall be subject to the following schedule of civil fines:

a. A specific civil fine that will be imposed for each offense if the person who has committed the offense does not contest the citation as follows:

Violation	*1st Offense*	*2nd Offense*	*All Others*
Animal Control	*$25*	*$50*	*$100*
Zoning	*$50*	*$150*	*$300*
Nuisance	*$50*	*$150*	*$300*
Property Maintenance Code Violations	*$50*	*$150*	*$300*
Parking	*$30*	*$30*	*$30*

Occupational License	*$50*	*$150*	*$300*
Life Safety Code Violations	*$50*	*$150*	*$300*
Fire Prevention Code Violations	*$50*	*$150*	*$300*
Chronic Nuisance Property	*$500*	*$500*	*$500*
Special Events Policy	*$500*	*$500*	*$500*
Other	*$50*	*$150*	*$300*

b. A maximum civil fine that may be imposed for each offense if the citation is contested under subsection (6) of Section 7 of The Act, as follows:

Violation	*1st Offense*	*2nd Offense*	*All Others*
Animal Control	*$100*	*$100*	*$100*
Zoning	*$500*	*$1000*	*$2000*
Nuisance	*$500*	*$1000*	*$2000*
Property Maintenance Code Violations	*$500*	*$1000*	*$2000*
Parking	*$100*	*$200*	*$500*
Occupational License	*$500*	*$1000*	*$2000*
Life Safety Code Violations	*$1000*	*$1500*	*$2000*
Fire Prevention Code Violations	*$1000*	*$1500*	*$2000*
Chronic Nuisance Property	*$5000*	*$5000*	*$5000*
Special Events Policy	*$5000*	*$5000*	*$5000*
Other	*$500*	*$1000*	*$2000*

Mayor Whalen called for a motion to approve Ordinance No. O-10-16 on first reading. Councilmember Huff moved, with second from Councilmember Winn, that Ordinance No. O-10-16 be approved on first reading and be held for second and final reading at the next meeting of Council. **Council approved by unanimous vote.**

MUNICIPAL ORDER:

Municipal Order No. MO-7-16

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-7-16:
A MUNICIPAL ORDER APPROVING A REVISION TO THE INTERLOCAL COOPERATION AGREEMENT FOR THE NORTHERN KENTUCKY REGIONAL ETHICS AUTHORITY.

Councilmember Osborne moved, with second from Councilmember Winn, that Municipal Order No. MO-7-16 be approved as reviewed. **Council approved by unanimous vote.**

EXECUTIVE SESSION:

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

ADJOURNMENT:

Mayor Whalen called for a motion to adjourn the Special Meeting. Councilmember Huff so moved, with second from Councilmember Osborne, and **unanimous approval of Council**, the time being 7:23 p.m.

APPROVED:

Diane E. Whalen, Mayor

ATTEST:

Joseph A. Christofield, City Clerk