



**Florence City Council
Special Meeting
Tuesday, October 1, 2019
6:30 p.m.**

MINUTES

The City Council of the City of Florence, Kentucky, met in special session on Tuesday, October 1, 2019, at 6:30 p.m. at the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, with Mayor Diane E. Whalen presiding as chair.

CALL TO ORDER & WELCOME:

Mayor Diane E. Whalen called the special meeting to order and declared the meeting open for the presentation of items on the special meeting agenda.

ROLL CALL:

The roll was called, and the following five (5) members of council were present: Dr. Julie Aubuchon, Mel Carroll, J. Kelly Huff, David A. Osborne, and Gary Winn.

Councilmember Duane Froelicher was absent.

Staff members present were: City Coordinator, Joshua R. Wice; City Attorney, Hugh O. Skees; Chief of Police, Tom Grau; Public Services Director, Eric Hall; Business & Community Development Director, Joshua Hunt; Fire/EMS Chief, Scott Knoll; City Clerk, Nancy Zeilman; and, Police Officer, Patrick Cottingham.

The following were also present: Melissa Kramer, Assistant City Clerk; Trish Scheyer, The River City News reporter; Wil Schroder, Counsel, Dinsmore & Shohl; Reverend Nicholas Rottman, Pastor, Immaculate Heart of Mary Church; Brian Dunham, Kevin Thompson, Keith Moor, Trey Grayson, and Rich Ezell, all representing Sam's Club.

APPROVAL OF MINUTES:

Mayor Whalen called for a motion to approve the minutes of the August 27, 2019, Business Meeting. Councilmember Winn motioned to approve the minutes with a second from Councilmember Aubuchon. **Council approved by unanimous vote.**

Mayor Whalen called for a motion to approve the minutes of the September 3, 2019, Special Meeting. Councilmember Aubuchon motioned to approve the minutes with a second from Councilmember Huff. **Council approved by unanimous vote.**

PROCLAMATION:

Mayor Whalen read a proclamation recognizing the month of October as Breast Cancer Awareness Month.

RESOLUTION R-2-19:

A Resolution awarding a non-exclusive franchise for a term of fifteen (15) years for a cable system within the confines of the City of Florence, Kentucky, to Spectrum Mid-America, LLC, a subsidiary of Charter Communications, Inc.

Mayor Whalen called for a motion to approve Resolution R-2-19. Councilmember Osborne motioned to approve, with a second from Councilmember Aubuchon. Councilmember Huff stated that he would abstain from the vote because he is an employee of Charter Spectrum Communications. **Council approved 4-0, with an abstention by Councilman Huff.**

RESOLUTION R-3-19:

A Resolution requesting the Boone County Library Board invest in a new or significantly enlarged and upgraded library in Florence commensurate with the most recently completed Hebron, Scheben. and Main Library branches, so as to provide equal services and facilities as are provided to other areas of the county.

Mayor Whalen called for a motion to approve Resolution R-3-19. Councilmember Winn motioned to approve, with a second from Councilmember Huff. **Council approved by unanimous vote.**

RESOLUTION R-4-19:

A Resolution of the City of Florence, Kentucky, authorizing the Kentucky Bond Development Corporation to issue approximately \$1,000,000 of bonds in one or more series, payable solely from revenues to be derived from a loan agreement with the Roman Catholic Diocese of Covington to finance the costs of the acquisition, construction, installation, and equipping of educational facilities for use by the Roman Catholic Diocese of Covington and its affiliated organizations.

Mayor Whalen introduced Wil Schroder, Counsel, Dinsmore & Shohl. Mr. Schroder then introduced Reverend Nick Rottman, pastor at the Immaculate Heart of Mary Church, Burlington, Kentucky. Reverend Rottman outlined the project scheduled at the Immaculate Heart of Mary Church and explained how the money would be used to install heating and air conditioning, flooring, and other maintenance projects in the school and the church.

Mayor Whalen stated that the City of Florence is a member of the Kentucky Bond Development Association and the city entered into an interlocal agreement in September, 2014. This is a request to act as a bonding agent with no obligation to pay the bonds. Because the City of Florence is the closest in proximity to Immaculate Heart of Mary Church in Burlington, Kentucky, the Kentucky League of Cities approached Florence to serve as the bonding agent. This does not factor against the city's bonding capacity and requires no expenditures of city funds.

Mayor Whalen called for a roll call vote on Resolution R-4-19. Councilmember Carroll, **No**; Councilmember Winn, **Yes**; Councilmember Huff, **Yes**; Councilmember Aubuchon, **No**; Councilmember Osborne, **Yes**. **Roll call recognized three yes votes and two no votes, approving Resolution R-4-19.**

ORDINANCE O-17-19:

An Ordinance amending Ordinance No. O-28-14 relating to times and places for regular meetings of the city Council and the Planning and Zoning committee to change the date of the regular meeting of the Planning and Zoning Committee.

Mayor Whalen called for a motion to approve first reading of Ordinance O-17-19. Councilmember Carroll motioned to approve, with a second from Councilmember Aubuchon. **Council approved by unanimous vote.**

ORDINANCE O-18-19:

An Ordinance adopting and approving a change in concept development plan in a commercial two/planned development/Houston-Donaldson study corridor overlay (C-2/PD/HDO) zone for a 14.85 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club) to allow a gasoline fueling station and for modifications to an existing retail building.

Mayor Whalen called for a motion to approve first reading of Ordinance O-18-19. Councilmember Winn motioned to approve, with a second from Councilmember Aubuchon. **Council approved by unanimous vote.**

EXECUTIVE SESSION:

Mayor Whalen called for a motion to go into Executive Session pursuant to KRS 61.810 (1) (b): "Acquisition/sale of real property where publicity would be likely to affect the value of property to be acquired for public use or to be sold by the city."

Councilmember Huff so moved with a second from Councilmember Osborne and **unanimous approval of Council, the time being 6:49 p.m.** After executive session, members will reconvene at 7:00 p.m. to address an occupational license denial appeal hearing.

Mayor Whalen called for a motion to come back into session after the executive session pursuant to KRS 61.810(1)(b): "Acquisition/sale of real property where publicity would be likely to affect the value of property to be acquired for public use or to be sold by the city." Councilmember Osborne so moved with a second from Councilmember Winn. **Council approved by unanimous vote the time being 6:59 p.m.**

OCCUPATIONAL LICENSE DENIAL APPEAL HEARING:

Mayor Whalen stated that the next item on the agenda is an occupational license denial appeal hearing for Ms. Yingnam Xu, Tai Ji Yu Spa, 8459 US 42, Florence, Kentucky. This hearing was continued from its original date of August 27, 2019, at the request of Ms. Xu. Mayor Whalen then turned the hearing over to the City Attorney, Hugh O. Skees.

Mr. Skees stated the following: "I need to inform Council that this matter has been scheduled twice. We owe Ms. Xu a hearing and we owe her an interpreter. Unfortunately for us, our interpreter will not be able to attend this hearing. I do not believe we can proceed against her, absent an interpreter, for due process reasons. Accordingly, I am recommending to Council that we grant her appeal and move on."

Mayor Whalen called for a motion to grant the occupational license denial appeal. Councilmember Huff motioned to grant the appeal with a second from Councilmember Carroll. **Council approved by unanimous vote.**

ADJOURNMENT:

There being no further business to come before Council, Mayor Whalen called for a motion to adjourn the Special Meeting. Councilmember Osborne so moved, with a second from Councilmember Huff. **Council approved by unanimous vote**, the time being 7:03 p.m.

APPROVED:

/s/ Diane E. Whalen
Diane E. Whalen, Mayor

ATTEST:

/s/ Nancy Zeilman
Nancy Zeilman, City Clerk