



**Florence City Council
Special Meeting
Tuesday, June 18, 2019
6:30 p.m.**

MINUTES

The City Council of the City of Florence, Kentucky, met in special session on Tuesday, June 18, 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 session open for the presentation of all City business.

ROLL CALL:

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

Councilmember Dr. Julie Aubuchon was absent.

Staff members present were: City Coordinator, Joshua R. Wice; City Attorney, Hugh Skees; Linda J. Chapman, CFO/Human Resources Director; Police Chief, Tom Grau; Public Services Director, Eric Hall; Business & Community Development Director, Joshua Hunt; Fire/EMS Chief, Scott Knoll; Assistant City Clerk, Melissa Kramer; and, Police Officer, Alex Ewald.

The following were also present: Attorney, Linda Ain and Main Street and Neighborhood Revitalization Program Administrator, Pat Wingo.

PRESENTATION:

Mayor Whalen introduced Attorney, Linda Ain, to review the Charter Communication Franchise Agreement. Ms. Ain explained that this negotiation has been in process for almost six years. She stated that this is not a Charter Franchise Agreement, but a franchise that any cable operator could bid on. Many conversations have occurred with Charter over many years. She explained that the city ordinance would create a fifteen year franchise for cable services and that the grantee would comply with federal laws relating to customer service. In fact, they would extend service to areas in the city reaching 20 homes per mile. If the city has annexations, they would then extend service to those homes as well after a required notification period.

In addition, the ordinance would reserve the right for the city to collect franchise fees and allow the city to retain the right to review any transfers of control. This was an important point of the agreement due to the number of times the franchise has been transferred.

The local office was a contentious issue. There will now be a requirement in the agreement that the local office remain open for at least three (3) years. After that time, the office would need city consent to close. After five (5) years, the office can close at the cable company's discretion. Ms. Ain stated that it is unlikely that this office would close since it is one of the last remaining offices in Northern Kentucky. Mayor Whalen explained that the customer service portion of the Dixie Highway office has closed. The portion of the office that allows pick up or drop off of equipment is no longer available. There is a customer service in the building, but it is the city's understanding that most of what is done through that center is sales. Mayor Whalen added that Spectrum has rented a space on Mall Road and is open for customer service and to pay bills. Ms. Ain said that this seems to be the model that Spectrum is following. She added that they are now selling cell phones, which is thought to be the reason behind the new storefront. She reiterated that the ordinance will require them to keep the store open for three (3) years. After three (3) years, they will need permission from the city to leave. After a five (5) year period, it will be at the cable company's discretion to continue operation in the city or close the location.

Councilmember Carroll asked Ms. Ain if there were discussions regarding the Kenton County and Campbell County stores. She answered that those counties were not discussed.

Ms. Ain explained that there are provisions that allow the city to revoke the ordinance and the franchise if the cable operator violates the franchise. There are also penalties associated with the violation. Another provision is if the city begins to collect the franchise fees rather than collect under the excise tax, the cable company will continue to provide free service to the locations listed in Exhibit "B" of the ordinance. There is a commitment that the cable company will be donating service to the city. That commitment will be forwarded to the city in the form of a donation letter.

Mayor Whalen explained that the ordinance will be presented at a future business meeting. Mr. Carroll expressed concern that the agreement will allow for the cable office to close in three years. He feels it provides a vital service to residents. Mayor Whalen stated that it is a five year agreement. After the five years, the decision will be made by Charter. This issue was discussed in negotiations, but they would not give anything further on this particular point. Five years is more than the cable company wanted to commit to. Ms. Ain stated that in her experience, the company is only giving this provision to larger cities, and she believes that Florence is fortunate to have the provision.

Mr. Carroll inquired as to how residents will now turn in their equipment. Ms. Ain replied that the cable company will send boxes to the customer for the return. Mr. Carroll feels that closing the customer service portion of the business is a step back for residents of the city.

Councilmember Osborne inquired as to whether they will be employing service technicians that will come to your home or if that will be outsourced. Ms. Ain replied that a lot of services are already being outsourced. Councilmember Osborne also expressed his concern regarding the customer services aspect. Mayor Whalen stated that this is a compromise from the cable company and that after years of negotiations, this is the best agreement. She also stated that if the new facility on Mall Road is profitable, they may stay longer than five (5) years. If not, they will have the option to look at other locations. Pat Wingo added that she understands there will be options to pay your bill at other locations throughout the city, such as Kroger or possibly some banks. Mayor Whalen asked if the equipment will have tracking numbers when mailed in. Linda Ain confirmed that it is correct.

Councilmember J. Kelly Huff gave notice that as an employee of Spectrum, he will not be voting on the Ordinance. Mayor Whalen told council that they will receive copies of the agreement before the vote. She then thanked Ms. Ain for reviewing the agreement.

FLORENCE PLANNING AND ZONING RECOMMENDATION

Mayor Whalen explained that because Councilmember Aubuchon is absent, Josh Hunt, Business and Community Development Director, would be reviewing the planning and zoning issue that appears on tonight's agenda.

Mr. Hunt explained that the Florence Planning and Zoning committee met on Monday, June 10, 2019, to discuss a special sign district for the new Starbucks on the corner of Express Street and US 42. The application was submitted for three reasons: (1) there can only be one drive-thru sign in a C2 zone, (2) The proposed menu board is three feet taller than permitted, and, (3) the side board, where orders are placed, is digital. The order area also has a canopy to protect the customer when ordering.

Mayor Whalen explained to council that the committee is recommending the approval of the zoning change. She then asked if there were questions for Josh Hunt or Gary Winn regarding the request.

Mayor Whalen called for a motion to place Ordinance No. O-13-19 on the agenda for first reading. Councilmember Froelicher motioned to approve, with a second from Councilmember Winn. **Council approved by unanimous vote.**

Mayor Whalen then presented the following for council's consideration:

ORDINANCE O-13-19 (First Reading): AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2PD) ZONE FOR A 0.8102 ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF THE US 42/EXPRESS STREET INTERSECTION, FLORENCE, KENTUCKY. (STARBUCKS)

Mayor Whalen then called for a motion to approve the first reading of Ordinance O-13-19. Councilmember Winn motioned to approve, with a second from Councilmember Froelicher. **Council approved by unanimous vote.**

ORDINANCE O-10-19 (Second Reading): AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, AMENDING THE BUDGET FOR THE 2018-2019 FISCAL YEAR OF THE CITY (AMENDMENT #2).

Mayor Whalen called for a motion to approve the second reading of Ordinance O-10-19. Councilmember Osborne motioned to approve, with a second from Councilmember Huff. **Council approved by unanimous vote.**

ORDINANCE O-11-19 (Second Reading): AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, ADOPTING THE OFFICIAL BUDGET FOR THE 2019-2020 FISCAL YEAR OF THE CITY.

Mayor Whalen called for a motion to approve the first reading of Ordinance O-11-19. Councilmember Aubuchon motioned to approve, with a second from Councilmember Osborne. **Council approved by unanimous vote.**

ORDINANCE O-12-19 (Second Reading): AN ORDINANCE RELATING TO PERSONNEL; AMENDING ORDINANCE NO. O-3-19 RELATING TO PERSONNEL POLICIES, JOB DESCRIPTIONS, AUTHORIZED POSITIONS AND THE PAY PLAN.

This Ordinance makes revisions to City Personnel Policies adding the position of Event Consultant; eliminating the position of Property Maintenance Worker; providing for a 2% cost of living increase; and making corresponding changes to the Authorized Positions List and Pay Plan.

Mayor Whalen called for a motion to approve the second reading of Ordinance O-12-19. Councilmember Winn motioned to approve, with a second from Councilmember Huff. **Council approved by unanimous vote.**

EXECUTIVE SESSION: Mayor Whalen called for a motion to go into Executive Session pursuant to K.R.S. 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 Winn and **unanimous approval of Council**, the time being 7:04 p.m. Executive session will return to this room to adjourn and we do not anticipate any business taking place following executive session.

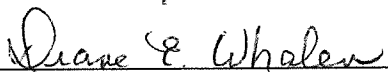
Mayor Whalen called for a motion to come back into session after the executive session pursuant to K.R.S. 61.810 (1) (b) Acquisition/sale of real property where publicity would be likely to

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 Froelicher. **Council approved by unanimous vote, the time being 7:24 p.m.**

ADJOURNMENT:

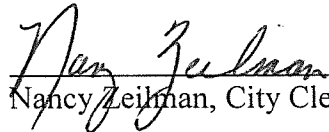
There being no further business to come before Council, Mayor Whalen called for a motion to adjourn. Councilmember Huff so moved, with a second from Councilmember Winn. **Council approved by unanimous vote, the time being 7:25 p.m.**

APPROVED:



Diane E. Whalen, Mayor

ATTEST:



Nancy Zeilman, City Clerk