



**Florence City Council  
Business Meeting  
Tuesday, March 23, 2021  
6:00 p.m.**

**MINUTES**

The City Council of the City of Florence, Kentucky, met in regular session on Tuesday, March 23, 2021, at 6:00 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 regular meeting to order and declared the regular session open for the presentation of all city business.

**ROLL CALL:**

The roll was called, and the following six (6) members of council were present: Dr. Julie Aubuchon (Vice-Mayor), Mel Carroll, J. Kelly Huff, David Osborne, Josh Walton, and Gary Winn.

Staff members present were: City Attorney, Hugh O. Skees; Business & Community Development Director, Joshua Hunt; Fire/EMS Chief, Scott Knoll; Chief of Police, Tom Grau; Public Services Director, Eric Hall; City Clerk, Melissa Kramer; Videographer, Spencer Foreman; and Police Officer, Derrick Lynn.

The following were also present: Trisha Scheyer, The River City News; Resident of Florence, Jenna Kemper; Resident of Florence, Brian Kinross; Resident of Boone County, Lisa Przanowski; Resident of Hebron, Thomas Johnson; and Residents of the community in support of the Florence Aquatic Center.

**APPROVAL OF MINUTES:**

Mayor Whalen called for a motion to approve the minutes of the March 9, 2021, business meeting. Councilmember Winn motioned to approve the minutes with a second from Councilmember Huff. **All councilmembers present voted aye.**

**RESOLUTION R-4-21:**

Mayor Whalen advised Under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Plan. The Northern Kentucky Area Development District has been contracted by the Owen County Fiscal Court to update the Regional Hazard Mitigation Plan. The city previously adopted and updated the Northern Kentucky Regional Hazard Mitigation Plan, most recently by Resolution R-6-17 dated August 8, 2017. The plan needs to be in place in order

to be eligible for pre-disaster and hazard mitigation funding through FEMA. It is also one step in the process for becoming a CRS community to lower flood insurance rates for constituents. To proceed and update the plan, the city is required to pass a Resolution authorizing the Mayor to execute a Memorandum of Agreement for the Development of the Regional Hazard Mitigation Plan through FEMA. The purpose of the FEMA-required Memorandum of Agreement is to inform the city of the general scope of the Hazard Mitigation Plan Process.

Mayor Whalen read Resolution R-4-21. A Resolution of the City of Florence, Kentucky authorizing the Mayor to execute a Memorandum of Agreement for the development of the Regional Hazard Mitigation Plan through FEMA.

Mayor Whalen called for a motion to approve Resolution R-4-21. Councilmember Osborne motioned to approve Resolution R-4-21 with a second from Councilmember Huff. **All councilmembers present voted aye.**

#### **DISCUSSION AND MOTION TO AUTHORIZE:**

Mayor Whalen called upon Eric Hall, Public Services Director, regarding the extension of the water services agreement with the City of Cincinnati.

Mr. Hall advised in the fall of 2020, the Boone-Florence Water Commission Board, directed their Counsel, which also included a member of our Counsel, Dale Wilson, to prepare amendments to the March 2, 1999 agreements.

Mr. Hall stated there were two agreements which included the Interlocal Cooperative Agreement and the Water Service Agreement with the City of Cincinnati, the Boone-Florence Water Commission, the Boone County Water District, and the City of Florence. The Interlocal Cooperative Agreement establishes the terms for delivery of treated water from the Cincinnati water system to the City of Florence and Boone County Water District. The Water Service Agreement establishes the terms for Cincinnati to provide wholesale water service to Boone, Florence, and the Water Commission.

The only proposed change with the agreements is to extend the expiration date by five years, from March 2, 2028 to March 2, 2033. Mr. Hall stated the reason behind the extension request is to allow for the Boone Florence Water Commission to complete a water visioning planning process with the board members; to address and plan for the water security and the long-term water needs; and to determine any longer term water infrastructure needs that should be incorporated into future water service arrangements. Mr. Hall stated to proceed with the extension it is required to have a motion from city council authorizing the Mayor to sign the amendments.

Mayor Whalen opened the floor for discussion and questions. Councilmember Carroll stated the contract had been very successful and he was happy to extend for the terms for another five years.

Mayor Whalen requested a motion to allow her to proceed with signing the amendments to extend the contracts. Councilmember Carroll motioned to approve, with a second from Councilmember Winn. **All councilmembers present voted aye.**

**MAYOR'S REPORT:**

- The Florence Police Department will hold an Easter Candy Drive Through Event at the Florence Government Center on Saturday, April 3, 2021 from 9:00 a.m. until 11:00 a.m. The event will be for ages up to 12 years of age. Enter at the Aquatic Center Entrance and remain in your vehicle. First 1,000 children receive Easter treats. The event is organized by our Florence Police Department and our Community Resource Officers. For more information, contact the Florence Police Department or visit the city's website.
- Spring cleanup week is scheduled for April 19, 2021 through April 25, 2021. Florence residents may bring unwanted trash and debris, excluding hazardous waste, to the Public Services Facility located at 7850 Tanner Lane for disposal. Must show proof of residency. Contact our Public Services Department for additional information.

**RECOGNITION:**

Mayor Whalen asked if any of the following desired recognition:

Department Heads:

Fire/EMS Chief, Scott Knoll:

Chief Knoll did not desire recognition.

Chief of Police, Tom Grau:

Chief Grau did not desire recognition.

Public Services Director, Eric Hall.

Mr. Hall did not desire recognition.

Members of City Council:

None desired recognition.

Audience:

City of Florence resident, Jenna Kemper of 2230 Bourbon Street stated the following:

Mrs. Kemper stated she was a passionate mother of three swimmers. Following notification that the aquatic center would not open for the 2021 season, she had questions and contacted Mayor Whalen. Mrs. Kemper stated Mayor Whalen was very open to her thoughts and considerations. Mrs. Kemper was appreciative of the time the Mayor spent discussing the aquatic center with her. However, Mrs. Kemper wanted to bring forth to city council her viewpoint on not reopening the aquatic center as a swim team mom, community member, and daughter.

Mrs. Kemper stated the pandemic had been hard on her family. Her children have felt the effects both mentally and physically. Mrs. Kemper stated she would like her children “to be able to play in the chlorine and in the sun and just to be a kid”. As a result of the closing last summer, her children were unable to receive the exercise they normally receive as a swimmer to help with their other sports. While she realized the aquatic center only provided a summer swim league, she felt it provided additional benefits. Mrs. Kemper felt the swim team brings children from other schools together and teaches them how to be friends with others. As a result of the pandemic, her children have not seen their swim team friends since 2019.

Mrs. Kemper understands the requirements of running a pool and understands pools are expensive to maintain. Mrs. Kemper stated the swim team is a championship team and believes they represent the community well. The swim team has looked into other swim clubs, however, the cost is significantly more. The swim team has explored their options and was hopeful the city would sponsor the team to allow them to find another facility. Mrs. Kemper stated the closing of the aquatic center is affecting her family. She is heartbroken and had been on the phone since the announcement. She believes the decision let the community down. Mrs. Kemper asked Mayor Whalen whether the city ever intended to reopen the pool.

Mayor Whalen stated there had been discussion amongst city council to provide a better experience and better use of the grounds and facility for the community for more than just two months of the year. The city is looking into and will have discussions on how to possibly open the facility to a broader spectrum of people and obtain more use of the area. Mayor Whalen stated the pool has been a financial strain. When the pool opened, the city knew the pool would never make money. Their hope was to break even for operating. However, the facility has never covered its operating expenses. Each year, city council has authorized the city to cover those expenses.

Mrs. Kemper identified the YMCA as an example with an outdoor and indoor and inquired whether Florence was going in that direction. Mayor Whalen stated the city and city council will be reviewing plans with regard the whole perspective and what that may look like in the future.

Mrs. Kemper was disappointed Boone County Schools does not have a pool to compete as they are required to go to Northern Kentucky University for competitions. She stated swimming is a lifelong skill and can be utilized as you grow old. Her parents are members of the aquatic center and enjoy the pool as well.

Mrs. Kemper stated as a resident the pool is an attractive recreation. She did not understand why other pools are opening and Florence remains closed. She felt the pool could open with restrictions. She also stated even with a shorter season, the contract remains the same and believes it would not cost anymore. Mrs. Kemper was aware SwimSafe was hiring lifeguards because her daughter applied and obtained a position. However, upon notification of the pool not reopening, her daughter was let go. Mrs. Kemper stated she attempted to gain support through the media and news outlets. Mrs. Kemper requested city council reconsider reopening the pool and stated “We need this.”

City of Florence resident, Brian Kinross of 1736 Savannah Lakes Drive stated the following:

Mr. Kinross stated he was not going to beg anything of council because he is a constituent. Mr. Kinross stated as a member of the Florence community, he would inform city council of his will and consent with regard to the pool. He has been a member of the Florence Aquatic Center for approximately ten to twelve years. Mr. Kinross inquired as to who was considered when the decision was made with regard to the closing of the pool. He stated his consent was not garnered. He paid his membership two years ago and had not received any services since. Therefore, he felt the city had performed a dereliction of their duties.

Mayor Whalen informed Mr. Kinross he would be receiving a refund check. Mr. Kinross inquired whether the reimbursement would include interest.

Mr. Kinross continued and questioned as to whose consent was obtained and what study was conducted to close the pool. He cited the decision was based on the management company and he believed the management company could still open the pool with approval. He opined no deadline was given by the management company and therefore that was not a valid reason to close the pool.

Mr. Kinross stated another reason for not reopening the pool was based on a crystal ball which cited a possible spike in Covid-19. He felt the data did not support that reasoning and noted every other pool in the Northern Kentucky will be open, except for Florence. He stated the level of chlorine in the pool exceeds the levels to sanitize based on CDC and believes the pool is a safer place than a soccer field. Mr. Kinross stated the pool is community service he funds as a taxpayer and through his membership.

Mr. Kinross also believes the pool provides opportunities for the community. While he does not represent his wife, she works for a pool management company as a result of the connections made during swim season. Spending so much time at the pool, she sought employment and has made a career for herself. His family has been involved in the aquatic center which has created opportunities for them and encouraged them to seek employment in the service industry. Mr. Kinross stated the pool is more than a recreational service and was not meant to be profitable. He is opposed to the denial of the service as a resident. Mr. Kinross stated he is not asking permission to reopen the pool, but rather instructing them to open the pool as he is a resident and taxpayer.

Mayor Whalen stated the city never expected the pool to create a profit. Mr. Kinross interrupted and stated he elected the city officials to represent him, not to nanny him. He stated Florence is the only pool not open and everything is safe. Mr. Kinross continued and stated another reason cited in the closing of the pool was the capacity issue. Mr. Kinross stated the pool operates consistently at 60% capacity and has a capacity of 2500. On average, it has approximately 800 attendees. On good days, he stated the pool would have an average of 1500 attendees which is 60% capacity. In his opinion, this year is no different than any other year and the three reasons cited for not opening the pool are invalid.

Tom Johnson, resident of Hebron stated the following:

Mr. Johnson thanked the Mayor and city council for the pool. He stated his children were previously on the swim team and continued their sport in college. Mr. Johnson believes the pool provides opportunity for fellowship. He respected the decisions made through Covid-19, but believed reopening the pool would be part of getting back to normalcy. He believes the swim team fosters relationships and aids in children becoming good citizens. Mr. Johnson would like the pool to open and worries if the pool does not open, it may not ever reopen. He thanked city council for taking the burden of the non-revenue from the pool and requested they continue to cover the burden.

Lisa Przanowski of 8220 Heatherwood Drive stated the following:

Mrs. Przanowski has two children on the swim team. Her children were also employed through SwimSafe. As a result of the closing of the pool, her oldest will be relocated to another pool and the younger is unemployed. Mrs. Przanowski believes the pool brings community together and helps her children. Through the swim team, her family has received support and helped overcome health issues. Both of her children swam on the YMCA team and wanted to be on the Hammerheads because it was less intense than other swim teams. While she understands the costs of the pool is a factor, she requested the pool open.

Mrs. Kemper presented a photograph of her daughter and Mrs. Przanowski's daughter. The children previously swam for the Barracudas and the team was too competitive. They enjoy the Florence swim team as it aids in relationships and has helped their children foster relationships with others.

Another member of the audience stated she had always utilized the pool for her and her grandchildren. The pool is a convenience and believes the kids need the pool after everything they have been through.

Mr. Kinross stated the pool provides a place for children to go when they do not have adult supervision at home. At the pool, children can be kept safe. His children and wife have always taken part in the pool and swim team. He also believes the pool brings in other revenue to the city from the surrounding businesses.

Mrs. Kemper stated her children have grown up at the pool and made lasting relationships. She stated the city worked hard last year to keep the pool maintained and believes if the pool is not filled this year, it will be beyond repair next year.

Mr. Kinross interjected and stated the pool employs 120 lifeguards a year. He stated if the pool remains closed, it will keep those children from working. Mr. Kinross stated "the pool was kind a mess last year and I spent my Fourth of July, six hours of my 4<sup>th</sup> of July, because I could not stand to see how bad of a condition the pool was in. So I spent six hours of my own time sucking the muck out of the bottom of that pool."

Mayor Whalen inquired whether over the 4<sup>th</sup> of July in 2020? Mr. Kinross replied: "Yes, mam." Mayor Whalen and Councilmember Aubuchon asked Mr. Kinross how he obtained access to the

pool. Mr. Kinross stated: "I did it." Mayor Whalen inquired how he was able to get into the facility and why the city was not told it was in bad shape. Mr. Kinross stated: "It needed some help." Mayor Whalen inquired of Public Services Director, Eric Hall, if he was aware and he answered no.

Mayor Whalen appreciated their opinions and attendance at the meeting. Mayor Whalen stated while she understood they were passionate about the pool, it is the job of city council to evaluate and make decisions which are fiscally responsible for the community as a whole. In 2019, the loss of revenue for the pool, was nearly \$200,000.00 and had been as high as \$300,000.00. Additional funds were required to be supplemented from the city budget to operate the pool. The city never expected the pool to make money, however, was hopeful the pool would be able to pay for the maintenance and operation, which has not ever occurred. Since the pool opened in 2004, the city has supplemented the operation of the pool in the approximate amount of three million dollars.

Mayor Whalen stated city council will be evaluating the future of the pool. The city is proud of the recreational facilities offered to residents. While she does not have a crystal ball, opening the pool this year presents too many unknowns. She is requesting the ability to do their diligence based on numbers presented at the current time. Mayor Whalen stated we have all lived through hell and we are hopefully coming out on the other side.

Councilmember Walton inquired whether council needed to vote. Mayor Whalen replied no. Mayor Whalen inquired of city council if they had a change of heart. None responded.

Councilmember Walton stated based on the public concern at the meeting, he felt they should be offered a vote. Mayor Whalen stated it would require a motion from a councilmember to vote. Councilmember Walton stated he made a motion to reopen the Aquatic Center for 2021. Councilmember Aubuchon and Councilmember Winn requested clarification with regard to the motion. Councilmember Walton stated he wanted to consider the available evidence and make a decision.

Attorney Hugh O. Skees informed Councilmember Walton he needed to make a motion for action. Councilmember Walton believed the community should be heard. Mr. Skees informed Councilmember Walton to make his motion, so that if it should pass, the city staff would now how to proceed.

Councilmember Walton stated he wanted to make a motion for the next meeting to be placed on the agenda whether or not to open the pool, and during that time, speak to the community and hear reasons why to open, look at the budget, and cost of keeping the pool open. Councilmember Walton stated the constituents deserve to have a vote on the issue for such a passionate request of the service they have enjoyed.

Councilmember Walton stated council has looked at the numbers and the pool is a huge expense for the city. While he had not ever been to the pool, he was unaware of the number of people utilizing the pool. Councilmember Walton stated he understands the importance of swim, however, he did not believe it was in the best interest of a city to run a swim club. However, he believes constituents attending the meeting and voicing how passionate they were should be taken into consideration and voting on the issue.

Mayor Whalen stated if the decision was pushed to the next meeting and overturned, the process for which the swim management company undertakes has been delayed. Mayor Whalen requested city council take action this evening based on what they know and had heard instead of waiting for the next meeting.

Mr. Kinross interjected and stated the hiring process was interrupted when the city announced the pool would be closed. Employees were assigned to other pools or offered no employment. Mr. Kinross urged Councilmember Walton to vote tonight and reconsider. He stated he would obtain a signed petition from the citizens of Florence if the matter was delayed. Mr. Kinross stated the time to act was now because decisions need to be made and no longer postponed.

Councilmember Huff requested clarification from Councilmember Walton with regard to his motion. Councilmember Walton motioned to vote the following week. Mayor Whalen informed Councilmember Walton there would be no meeting next week as March 30 was a fifth Tuesday. Councilmember Huff informed Councilmember Walton there was not a meeting next week and the following meeting would be a caucus prior to the next business meeting.

Councilmember Walton made a motion to consider at the next meeting on April 13, 2021. Motion was not seconded. Motion died for lack of a second.

Councilmember Walton made a motion to open the pool this summer. Motion was not seconded. Motion died for lack of a second.

Mayor Whalen stated the city will proceed as planned and the pool would not open for 2021 season.

Councilmember Aubuchon stated she appreciated the opinions of the residents and the decision to not open the Aquatic Center was very difficult. As a mother of a child in sports, she respected their passion and understood. However as councilmembers, they are representative of everyone and the comment of taking their names by Mr. Kinross was threatening. Councilmember Aubuchon stated it was not easy to make the decision and they are trying to do what was right and beneficial for the entire community. While it may not be the answer they wanted, she is trying to be fiscally responsible in a pandemic when revenues are uncertain. While that decision may not make her popular, it is what she felt was right.

**ADJOURNMENT:**

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Aubuchon so moved, with a second from Councilmember Huff. **Councilmembers present voted aye**, the time being 7:00 p.m.

**APPROVED:**

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

**ATTEST:**

/s/ Melissa Kramer  
Melissa Kramer, City Clerk

