



**Florence City Council
Business Meeting
Tuesday, August 23, 2022
6:00 p.m.**

MINUTES

The City Council of the City of Florence, Kentucky, met in regular session on Tuesday, August 23, 2022 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 five (5) members of council were registered present: Dr. Julie Aubuchon (Vice-Mayor), J. Kelly Huff, David Osborne, Patricia Wingo, and Gary Winn. Councilmember Mel Carroll was absent.

Staff members present were: Assistant City Attorney, Thomas Nienaber; CFO/HR, Linda Chapman; Chief of Police, Tom Grau; Assistant Fire/EMS Chief, Chris Miller; Business & Community Development Director, Joshua J. Hunt; Public Services Director, Eric Hall; City Engineer, Bill Viox; City Clerk, Melissa Kramer; Videographer, Perry Weber; and Police Lieutenant, Nathan Rettig.

The following were also present in the audience: Superintendent of the Boone County Schools, Matthew Turner; Executive Director of Student/Community Services of the Boone County Schools, Ms. Kathleen Reutman; Finance Supervisor, Ashley Schilffarth; Police Captain, Eric Bowles; Link NKY Report, Kaitlin Gebby; Resident of Florence, Randy Walker; Resident of Florence, Jonathan Sterling; Resident of Florence, Aaron Gillum; and Resident of Florence, Thomas Judd.

APPROVAL OF MINUTES:

Mayor Whalen called for a motion to approve the minutes of the August 9, 2022, business meeting. Councilmember Winn motioned to approve the minutes with a second from Councilmember Aubuchon. **All councilmembers present voted aye.**

PRESENTATION – BOONE COUNTY SCHOOLS:

Mayor Whalen introduced and welcomed Superintendent of the Boone County Schools, Matthew Turner. Superintendent Turner thanked Mayor Whalen and City Council for inviting him to the meeting.

Superintendent Turner referenced his presentation and stated the Boone County School District has approximately 20,000 students. Among the 20,000 students, 8% are English Language Learners; 14% of the students have a physical, emotional or learning disability; and 38% of the students are eligible for the free and reduced program. Additionally, the district is comprised of students from one hundred different countries with sixty-three languages spoken.

Superintendent Turner stated their District Leadership Training Team recruited four Hispanic mothers with children in the schools to be active in a panel. The panel was able to partner with the team and provide information which was important for the needs of families.

Construction is ongoing at Boone County High School. Construction includes renovation of the back wing of the building adjacent to the baseball fields and a new auditorium. Mobile classrooms have been instituted to assist with classrooms during the remodel of the lower wing of the school. This year, the first floor will be completely renovated, and next year, the second floor will be completely renovated. Superintendent Turner invited councilmembers to contact him for a tour of the high school.

Councilmember Aubuchon inquired with regard to the current enrollment of Boone County High School. Superintendent Turner stated the enrollment is approximately thirteen hundred students.

In addition to the ongoing construction at Boone County High School, construction is underway at Jones Middle School. Eight classrooms will be added which includes expansion near the baseball fields.

Superintendent Turner stated the Boone County Schools Strategic Planning has been ongoing. The strategic planning was guided by two main questions, “What are the hopes, dreams, and aspirations we have for our children?” and “What are the competencies, mindsets and skills our graduates must master to be successful in life and in the workforce?” Input was received from representatives of the Boone County Fiscal Court, Florence City Council, Union City Council, Florence Rotary Club and the Boone County Business Associations. A Portrait Design Team was created with over one hundred ninety members from each school, community, county, state, and local governments, faith-based organizations, non-profit organizations, businesses and industries. The Portrait Design Team met four times over three months. Additionally, input was received from the “Business Leader Roundtable”.

All of the information was compiled and created the “Portrait of a Graduate”. Superintendent Turner stated “deeper learning” was a key component. Superintendent Turner identified the logo in his presentation which included the Tree of Knowledge. The Tree of Knowledge was significant for the key components and symbolized the future growth of the kids in our community. The key competencies included communication, collaboration, learner’s mindset, global citizen, and

integrity. Communication was the number one overall component. Superintendent Turner stated these attributes will help make the Boone County Schools a leader in education.

Superintendent Turner stated undertaking the Strategic Plan for Boone County Schools will have four priority areas which includes a world class education, empowered workforce, stakeholder engagement, and operations and resource optimization. The schools are currently developing objectives and strategies to meet these four priority areas.

Mayor Whalen inquired with regard to the workforce among the schools for teachers and bus drivers. Superintendent Turner stated the district had ten teacher vacancies they were unable to fill and are actively working on filling those vacancies. With regard to the bus drivers, the district has ten vacancies and they have bus drivers obtaining their CDL to fill those vacancies. The bus garage has made accommodations to ensure all students in need of transportation are taken care of. Over the summer, GPS locaters were installed on the buses. The GPS locaters will permit parents to track the bus their child rides on. Superintendent Turner is hopeful to have the GPS system in place by October 1.

Mayor Whalen inquired with regard to traffic issues during parent drop off and pick up. Superintendent Turner stated they are reviewing schools which experience an increase in traffic during the pickup and drop off of students. While the beginning of the school year usually brings an increase in traffic, they are actively trying to implement new systems to alleviate the traffic for all.

Mayor Whalen inquired with regard to how the school systems is handling the inflationary issues. Superintendent Turner replied the biggest concern has been with construction projects. Food services are doing well as a result of contract pricing. General materials and instructional supplies are maintaining.

Mayor Whalen inquired whether he had noticed any decrease with parents sending children to public schools versus private schools. Superintendent Turner stated they see a lot of fluctuation in students at the beginning of the year with regard to private school and home school children. Usually after Labor Day, he will have a better sense of the enrollment numbers.

Mayor Whalen stated a concern of councilmembers has been the bias and the reference of Florence schools as inner city schools. Superintendent Turner believes the Florence schools are in good hands and the enrollments are very strong.

Councilmember Winn inquired with regard to security measures within the schools. Superintendent Turner stated he made a video with Chief Grau which was published on YouTube. The video has a conversation on security within the schools. Additionally, new security measures have been instituted. Superintendent Turner was thankful for the support received from the Security Resource Officers and the Florence Police Department.

Mayor Whalen thanked Superintendent Turner for attending the meeting.

SECOND READING ORDINANCE O-16-22:

Mayor Whalen read Ordinance O-16-22. An Ordinance annexing certain territory consisting of a parcel of approximately 0.8574 acres located at 919 Weaver Road, adjacent to the city limits. (Fullerton)

This Ordinance annexes a tract of approximately 0.8574 acres located at 919 Weaver Road, adjacent to the City limits.

The full text of Ordinance O-16-22, 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 the second reading of Ordinance O-16-22. Councilmember Osborne motioned to approve, with a second from Councilmember Wingo. **All councilmembers present voted aye.**

FIRST READING ORDINANCE O-17-22:

Mayor Whalen read Ordinance O-17-22. An Ordinance relating to Alcoholic Beverage Control and amending Section X of Ordinance No. O-34-82, as last Amended by Ordinance No. O-8-17.

This Ordinance amends the hours when alcohol sales are permitted within the City.

The full text of Ordinance O-17-22, 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 Blvd., Florence, Kentucky, during regular office hours.

Mayor Whalen called for a motion to approve the first reading of Ordinance O-17-22. Councilmember Huff motioned to approve, with a second from Councilmember Winn. **All councilmembers present voted aye.**

DISCUSSION OF PROPERTY TAX RATE:

Mayor Whalen called upon Linda Chapman, CFO/HR, to present the property tax rate for the upcoming year.

Linda Chapman, CFO/HR, advised she had completed the calculations for the 2022 property tax rates. Per those calculations, the maximum allowable for real property is \$1.81 per \$1,000 assessment, \$1.59 per \$1,000 assessment for the special assessment for hazardous employee's retirement, and \$3.13 per \$1,000 assessment for tangible personal property. Ms. Chapman recommended keeping the real rate the same at \$2.46 per \$1,000, as it has been since 2008, and requested consideration to increase the personal property tax from \$2.72 to \$3.13 as a result of the decrease in assessments.

Mayor Whalen advised the recommendation was to leave the property tax rate the same since 2008 without an increase. Mayor Whalen opened the floor for questions or discussion.

Councilmember Aubuchon expressed concern for the assessments and a resident which contacted her. She stated due to the real estate market and the increase in home values, the assessments were raised significantly. Mayor Whalen stated Ms. Chapman would need additional information to address the concern. Ms. Chapman stated residents can always contest the assessed values and she would be happy to contact the resident.

Councilmember Aubuchon inquired with regard to preserving a tax percentage. Ms. Chapman stated once a tax rate is adopted, the rate is adopted across all parcels equally the same.

Mayor Whalen advised a Public Hearing for the tax rate will be held on Friday, September 2 at 4:00 p.m.

MAYOR'S REPORT:

- Mayor Whalen informed everyone the tickets for the Boone County Senior Picnic is sold out.
- Mayor Whalen informed everyone there will be no city council meeting next Tuesday, August 30 as it is a 5th Tuesday.
- Mayor Whalen informed everyone city offices will be closed Monday, September 5, in observance of Labor Day.
- Mayor Whalen stated the Halloween Night Out Flyer published on the Facebook page has had a lot of interest. "Nightmare at the Ballpark" a spooktacular family friendly event will be a walk through experience and not a drive through. If you would like to be a vendor, contact the Administration Department. No political signs or campaigning at the event will be permitted. No selling of goods. Vendors are only permitted to provide candy and interact with children.

OCCUPATIONAL LICENSE DENIAL APPEAL HEARING:

Mayor Whalen announced the Occupational License Appeal Hearing for William T. Poe d/b/a Superior Ground Management, LLC. Mayor Whalen advised councilmembers were provided copies of the Occupational License Application, the letter of denial, the letter of appeal, and the notice of hearing. Mayor Whalen explained Council would hear the presentation by the Appellant, then a presentation by the city, followed by brief arguments by counsel for the city and counsel for the Appellant. All witnesses will be sworn in and may be cross-examined.

Mayor Whalen advised the Appellant, William T. Poe, nor any representative for William T. Poe d/b/a Superior Ground Management, LLC, was present.

Mayor Whalen called upon Assistant City Attorney, Thomas Nienaber for presentation of the occupational license denial appeal hearing.

Mr. Nienaber stated the appeal was filed by William T. Poe, d/b/a Superior Ground Management, LLC and councilmembers had been provided with copies of the application. The application was for an Occupational License to operate a residential and commercial landscape business within the City of Florence. Mr. Nienaber advised councilmembers, in accordance with City of Florence Code of Ordinances, Chapter 110, would determine whether the actions of Ashley Schilffarth, Finance Supervisor, in denying the license was founded.

Mayor Whalen swore in Ashley Schilffarth, Finance Supervisor for the City of Florence.

Mr. Nienaber: State your name for the record please.
Ms. Schilffarth: Ashley Schilffarth.
Mr. Nienaber: You are the Finance Supervisor for the City of Florence.
Ms. Schilffarth: Yes sir.
Mr. Nienaber: Part of your responsibilities in that capacity is to accept and evaluate occupational license applications, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: You received such an application from Superior Ground Management, Mr. William T. Poe, correct?
Ms. Schilffarth: Yes sir.
Mr. Nienaber: I will hand you Exhibit 1. Is that the application?
Ms. Schilffarth: It is, yes.
Mr. Nienaber: He applied for a license to operate a nursery business here in the city, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: And on Item #19, Mr. Poe was asked if he had ever been convicted of a misdemeanor or felony and he responded, yes. He listed two. Possession of firearms and possession of marijuana and possession of a controlled substance. Is that correct?
Ms. Schilffarth: It is, yes.
Mr. Nienaber: Did you subsequently ask anybody from the Florence Police Department to look into Mr. Poe's background.
Ms. Schilffarth: Yes, I did. I asked Captain Bowles.
Mr. Nienaber: Captain Bowles who is here tonight. Based upon the information you received from Captain Bowles, do you believe that Mr. Poe was untruthful in answering Item 19?
Ms. Schilffarth: I do.
Mr. Nienaber: Mr. Poe did not list all of his misdemeanors and felonies.
Ms. Schilffarth: He did not.
Mr. Nienaber: As a result of that, you denied him his application, correct? Exhibit 2.
Ms. Schilffarth: Yes.
Mr. Nienaber: Based upon that denial, Mr. Poe filed for an appeal, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: Mr. Poe was given the appropriate notice to be here tonight, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: Obviously he is not here. Exhibit 3 is a copy of that notice of the hearing tonight, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: You received information from Captain Bowles? Did you not?

Ms. Schilffarth: I did.
Mr. Nienaber: I am handing you Exhibit 4 and this was included in the packet to council as well. Exhibit 4 is what?
Ms. Schilffarth: I am assuming the police record for Mr. Poe stating more than two offenses he had listed on his application.
Mr. Nienaber: In fact Mr. Poe failed to list, theft by unlawful taking, did he not?
Ms. Schilffarth: Yes he did.
Mr. Nienaber: That was in December of 2020. In January of 2015 he failed to list another unlawful taking under \$500. Then in September of 2018, he failed to list a probation violation.
Ms. Schilffarth: Yes.
Mr. Nienaber: Then in July of 2018 he failed to list rape third degree, sexual misconduct, and sodomy third degree.
Ms. Schilffarth: Yes.
Mr. Nienaber: In June of 2018, he failed to list possession of drug paraphernalia?
Ms. Schilffarth: Yes.
Mr. Nienaber: In June 16 of 20, he failed to list a theft by unlawful taking again and a revocation of probation?
Ms. Schilffarth: Yes.
Mr. Nienaber: That will be Exhibit 5. Based upon that determination, you denied his application, correct?
Ms. Schilffarth: Yes.
Mr. Nienaber: Is it your opinion based upon your experience in evaluating applications for occupational license that it would not be in the best interest of the public of the City of Florence that Mr. Poe and/or Superior Ground Management, LLC were granted an occupational license?
Ms. Schilffarth: No, I would not recommend it.

Mr. Nienaber concluded his examination of Ms. Schilffarth and called his next witness, Florence Police Captain Eric Bowles.

Mayor Whalen swore Captain Bowles in for testimony.

Mr. Nienaber: Captain, state your full name please.
Captain Bowles: Eric Bowles.
Mr. Nienaber: By whom are you employed?
Captain Bowles: I am employed by the City of Florence.
Mr. Nienaber: Were you asked by Ashley Schilffarth to do a background check on a Mr. William Poe?
Captain Bowles: Yes.
Mr. Nienaber: Is that Exhibit 4?
Captain Bowles: Correct.
Mr. Nienaber: And you are the one that gathered all of that information from the court system?
Captain Bowles: Correct.
Mr. Nienaber: You heard the testimony of Ms. Schilffarth, didn't you?
Captain Bowles: Yes.
Mr. Nienaber: And you heard the outline in Exhibit 5?

Captain Bowles: Correct.
Mr. Nienaber: Is that accurate to the best of your knowledge?
Captain Bowles: It is.
Mr. Nienaber: And Mr. Poe is obviously not here tonight.
Captain Bowles: Correct.
Mr. Nienaber: Do you know why he is not here?
Captain Bowles: I do.
Mr. Nienaber: Why is that?
Captain Bowles: He is in jail.
Mr. Nienaber: What kind of judicial proceeding is he awaiting while in jail?
Captain Bowles: He is awaiting a probation violation revocation. He was given probation and he is in jail waiting to have the probation revoked or be let back out on the street.
Mr. Nienaber: You heard Ms. Schilffarth testify that it would not be in the public's best interest if Mr. Poe and Superior Ground Management be granted an occupational license?
Captain Bowles: Yes.
Mr. Nienaber: Would you agree with that?
Captain Bowles: I agree.

Mr. Nienaber concluded his examination of Captain Bowles.

Mr. Nienaber introduced Exhibit 6. Exhibit 6 is the record obtained through the Secretary of State identifying Superior Ground Management LLC is a valid and active company with the Secretary of State. The company was formed in March of 2021 and is a two member limited liability corporation. The two members are William Poe and Susan Poe.

Mr. Nienaber presented Proposed Findings of Fact to city council for their consideration. Mr. Nienaber requested councilmembers affirm the action of Ms. Schilffarth in denying the application of the Occupational License Application by Superior Ground Management, LLC, and Mr. William Poe for the reasons provided herein.

Mayor Whalen read the Proposed Findings of City Council. The Proposed Finding of Fact:

1. Superior Ground Management, LLC ("Superior") applied for an Occupational License on May 26, 2022, to operate a landscape service business within the City of Florence.
2. Superior is a Kentucky Limited Liability Company consisting of two members, Susan M. Poe and William T. Poe.
3. On June 17, 2022, Superior and William T. Poe ("Poe") were informed in writing that the Application was denied for failure to include all previous convictions and that the Applicant provided false and untrue information on the Application.
4. Superior and Poe appealed the decision of the city denying it application.
5. On August 3, 2022, Superior and Poe were notified of the Appeal Hearing which took place on August 23, 2022.
6. A review of the application submitted by Superior and Poe contained false and untruthful information regarding Poe's prior convictions for misdemeanors and/or felonies.
7. Superior and Poe failed to include material information on his application relating to prior convictions in violation of Florence Occupational License Ordinance.

8. Issuance of an Occupational License to Superior would not be in the public's best interest.
9. All requirements of the city's ordinance § 100.04 have been complied with in all respects.

City Council having heard and considered the evidence, Councilmember Winn made a Motion to Uphold the Decision of Finance Supervisor Ashely Schilffarth in denying the occupational license of William T. Poe d/b/a Superior Ground Management, LLC. Councilmember Huff seconded the Motion. Mayor Whalen requested a Roll Call Vote. Councilmember Winn, yes; Councilmember Huff, yes; Councilmember Aubuchon, yes; Councilmember Wingo, yes; Councilmember Osborne, yes. **Roll call recognized five yes votes, passing the Motion to Uphold the Denial of the Occupational License Application.**

MUNICIPAL ORDER MO-8-22:

Mayor Whalen read Municipal Order MO-8-22. A Municipal Order approving the Findings & Decision of the City Council in the matter of the occupational license appeal of William T. Poe d/b/a Superior Ground Management, LLC. Mayor Whalen called for a motion to approve Municipal Order MO-8-22. Councilmember Osborne motioned to approve Municipal Order MO-8-22 with a second from Councilmember Wingo. **All councilmembers present voted aye.**

RECOGNITION:

Mayor Whalen asked if any of the following desired recognition:

Members of City Council:

None desired recognition.

Department Heads:

Assistant Fire/EMS Chief, Chris Miller:

Assistant Chief Miller did not desire recognition.

Public Services Director, Eric Hall:

Mr. Hall did not desire recognition.

Chief of Police, Tom Grau:

Chief Grau did not desire recognition.

Members of the audience:

No recognition requested from the audience.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Huff so moved, with a second from Councilmember Winn. **Councilmembers present voted aye**, the time being 7:02 p.m.

APPROVED:

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

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk

