



**Florence City Council
Special Meeting
Tuesday, October 17, 2023
6:00 p.m.**

MINUTES

The City Council of the City of Florence, Kentucky, met in special session on Tuesday, October 17, 2023, at 6:00 p.m. at the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, with Mayor Julie M. Aubuchon presiding as chair.

CALL TO ORDER & WELCOME:

Mayor Julie M. Aubuchon 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 registered present: Mel Carroll, Lesley Chambers, Jenna Kemper (Vice-Mayor), Patricia Wingo and Gary Winn. Councilmember David A. Osborne was absent.

Staff members present were: City Attorney, Thomas R. Nienaber; CFO/HR, Linda Chapman; Fire/EMS Chief, Rodney Wren; Police Captain, Greg Rehkamp; Public Services Director, Eric Hall; Director of Administration/City Administrator, Joshua J. Hunt; City Clerk, Melissa Kramer; Videographer, Alex Caldwell; and Police Lieutenant, Jeff Mallery.

The following were also present in the audience: Public Services ISS Superintendent, Greg Clift; Resident of Florence, Angela Cable; Resident of Florence, Brad Cable; Resident of Florence, Thomas Judd; Resident of Florence, Stacey Arnett; Northern Kentucky Tribune Reporter, Trisha Scheyer; LINK nky, Douglas Clark; WCPO Reporter, Sean DeLancey; and Resident of Florence, Gary Jett.

APPROVAL OF MINUTES:

Mayor Aubuchon called for a motion to approve the minutes of the October 10, 2023, business meeting. Councilmember Wingo motioned to approve the minutes with a second from Councilmember Kemper. **All councilmembers present voted aye.**

**DISCUSSION AND POSSIBLE ACTION ORDINANCE - FIRST READING
ORDINANCE O-28-2023:**

Mayor Aubuchon read Ordinance O-28-2023, an ordinance repealing and replacing Ordinance No. O-2-07 and Chapter 119 of the City of Florence, Kentucky Code of Ordinances, amending licensing requirements and regulations for sexually oriented businesses and employees within the

City of Florence, Kentucky.

The purpose of this Ordinance is to repeal and replace Ordinance No. O-2-07 and Chapter 119 of the Code of Ordinances, to reflect recent federal decisions regarding sexually oriented businesses.

The full text of Ordinance O-28-2023 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 Aubuchon called for a motion to approve the first reading of Ordinance O-28-2023. Councilmember Wingo motioned to approve, with a second from Councilmember Winn.

Mayor Aubuchon called upon Director of Administration/City Administrator, Joshua J. Hunt, regarding the Sexually Oriented Businesses License Ordinance Amendment.

Mr. Hunt referenced the memo included in the council packet regarding the update of the sexually oriented business license ordinance. He explained, prior to 2007, zoning regulations in the City of Florence code of ordinances did not allow, in any form, a sexually oriented business to operate in the county or city. In 2007, the city, in conjunction with the Boone County Fiscal Court, passed the first sexually oriented business license requirements and zoning regulations. At that time, most of the current councilmembers were a part of the original discussions which included an in-depth analysis. They instituted a very thorough licensing and zoning procedure.

Mr. Hunt explained the revisions were a housekeeping measure. Since 2007, the nature of sexually oriented businesses, specifically definitions and lawsuits, had evolved regarding many of the definitions and lawsuits referenced in the ordinance. Within the past few months, the Boone County Fiscal Court updated their ordinance to follow current federal laws, therefore stimulating the need for the city to update the ordinance.

Mr. Hunt stated a red-line version of the ordinance was provided in the council packet and a clean copy was provided this evening. A few of the changes include the following:

- Court cases cited.
- Definitions and additional definitions added to reflect the evolving nomenclature of the sexually oriented business industry.
- Hearing officers are appointed by city council and not the mayor.
- Multiple definitions were expanded, such as the definition of nudity, operator, shopping mall, sexual device, and sexual device shop.
- Licensing requirements proposed to be tightened including the disclosure of past criminal activity involving sexually oriented businesses and/or if the applicant was convicted of any sex crimes.
- Specific time requirements for the issuance of license. In the past ordinance, the City Administrator had to bring their decision within 20 days, which has been extended to 30 days.
- New fee schedule.
- Additional language was added to provide the city code enforcement officers the ability to

perform routine inspections and issue citations.

- Revocation of licensing rules and regulations. Specifically, the City Administrator has 30 days to issue or deny a license and the applicant has 10 days to appeal. The applicant has 30 days to have an appeal on the denial. A provisional license may be issued in the meantime.
- Requirements regarding the building, room, and lighting were expanded.
- Prohibition on certain types of conduct.
- Penalties are more clearly defined.

Mr. Hunt stated, while it may appear there are many changes, the process for which the city handles sexually oriented businesses, would be the same. This update adheres to the current federal law.

Councilmember Chambers inquired if an individual was an employee of a cabaret, would they need to apply for a license and could they be denied a license if one had prior convictions of various crimes. Mr. Hunt replied yes, an individual would need a license and the license could be denied for previous convictions of sex crimes, prostitution, etc.

Councilmember Chambers raised concern regarding an individual obtaining “a legitimate job”, with a criminal history. She did not believe the requirements would provide them with a second chance. She felt if someone did not have a conviction within the previous five years, that conviction should not keep them from being able to obtain their license to dance legally.

Mr. Hunt stated each application would be evaluated on an individual basis. Additionally, there was an appeal process if the individual felt their application was denied unfairly.

Councilmember Chambers requested confirmation that the proposed ordinance stated that if a license for a sexually oriented business was issued, they would not be permitted to sell alcohol and requested further clarification if it would be for beer or liquor. Mr. Hunt confirmed an alcohol license would not be issued. Additionally, sexually oriented businesses would not be permitted to be located within 1000 feet of an establishment that sold beer and/or liquor.

Councilmember Chambers requested clarification that the application fee was \$100.00 and believed it was excessive. Mr. Hunt stated the amount was not excessive and further clarified that there are no current cabaret establishments within the City of Florence.

Councilmember Chambers referenced the provision that the address of the establishment would be listed on their license, and if this would prohibit them from working at multiple places. Mayor Aubuchon confirmed that to be able to work at multiple locations, they would need to apply for an additional license for each location they would be working. Councilmember Chambers requested confirmation they would be required to pay multiple fees. Mr. Hunt confirmed.

Mayor Aubuchon provided an example of the circus at the Florence Mall. She stated the performers were independent contractors and were all required to obtain their own occupational license for each location.

Councilmember Chambers inquired regarding the operating hours of the sexually oriented

businesses and operating hours of bars and restaurants within the city limits. Mr. Hunt stated it depended on the license. Additionally, Mr. Hunt explained the license for a sexually oriented business was vastly different than a license for a bar or restaurant.

Councilmember Chambers inquired regarding the stipulation that dancers must always remain six (6) feet away from patrons and believed that this would eliminate private dances. Mr. Hunt confirmed.

Councilmember Chambers inquired if photographers who perform boudoir shoots would be affected by the ordinance. Mr. Hunt stated he did not see how this ordinance would affect the photographers.

Councilmember Chambers commented that it was a vast amount of information in the ordinance and expressed concern that the council packets were delivered on a Friday afternoon and no one from the city was available until Monday to discuss the issues. She felt there were some things to balance between the rights of the workers, the rights of the business owners, and the interests of the residents of Florence. She inquired if she could make a motion to postpone action on the ordinance.

Mr. Hunt explained that most of Councilmember Chambers issues were with sections of the original ordinance that was passed in 2007 and not anything to do with the current changes.

Mayor Aubuchon stated there was currently a motion and a second on the floor, and the motion would have to fail or pass before Councilmember Chambers could make another motion or the motion could be withdrawn. Councilmember Wingo did not wish to withdraw the motion and Councilmember Winn did not wish to withdraw his second. Therefore, a new motion was not able to be made.

Councilmember Kemper requested further discussion and stated she was confused about the Flynt store currently located in Florence. Mayor Aubuchon stated the Flynt store is the only sexually oriented business within the city limits. Mr. Hunt stated the ordinance would not affect the Flynt store. Additionally, he explained, there had been no issues with the Flynt store and that they were a legally operating business.

Mayor Aubuchon inquired of Police Captain Rehkamp if there had been any police issues regarding the Flynt Store. Captain Rehkamp stated there had been no calls from or regarding the Flynt store.

Councilmember Wingo stated at the time the ordinance was adopted in 2007, she was City Coordinator. She recalled working with the county, the city, city attorneys, and outside council for months to ensure the ordinance was fair and complied with federal law. The proposed changes bring the ordinance current with Boone County's updated ordinance and with case law that had been repealed since its inception. She explained this was merely housekeeping to have the ordinance in sync with federal law.

Attorney Nienaber stated in 2007 the Boone County Planning Commission engaged the services of one of the first most authorities on the ordinance and the county and city worked together to

create the ordinance. Approximately six months ago, Boone County reached out to the authority to review the ordinance to ensure compliance considering recent federal decisions. The ordinance at the county level was revised and updated. The original ordinance passed in 2007 was modeled after Boone County's Ordinance and this revised version is being modeled after their newly revised ordinance.

Mr. Hunt stated the zoning issue of this ordinance had not been discussed. Sexually orientated businesses are permitted in Florence, there are just some restrictions on placement of the business. This is not prohibiting the business; it is regulating where the businesses can be placed in the city.

No further discussion was necessitated and based on the motion to approve the first reading of Ordinance O-28-2023 by Councilmember Wingo and seconded by Councilmember Winn, Mayor Aubuchon requested a Roll Call Vote. Councilmember Carroll, yes; Councilmember Chambers, no; Councilmember Winn, yes; Councilmember Kemper, abstained; Councilmember Wingo, yes. **Roll Call recognized three yes votes, one no vote, and one abstention approving the first reading of Ordinance O-28-2023 by a 3-1 majority, with abstention from Councilmember Kemper.**

**DISCUSSION AND POSSIBLE ACTION ORDINANCE – FIRST READING
ORDINANCE O-29-2023:**

Mayor Aubuchon read Ordinance O-29-2023, an ordinance providing for the creation of the Florence Veterans Commission.

The purpose of this Ordinance is to create a Veterans Commission thereby creating a support system, community recognition, resources, and comprehensive community relations for veterans and those who have served this nation. The Veterans Commission shall act as an advisory body to the Mayor regarding military veterans programs, veteran's organizations, and veteran related activities.

The full text of Ordinance O-29-2023 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 Aubuchon called for a motion to approve the first reading of Ordinance O-29-2023. Councilmember Winn motioned to approve, with a second from Councilmember Carroll.

Mayor Aubuchon referenced a memo provided in the council packet and stated the commission was initiated by Councilmember Osborne. Councilmember Osborne is a veteran of the United States Army and is very proud of his service and community. Mayor Aubuchon stated Councilmember Osborne believed the city could do more for the large population of veterans in the city and initially started the idea with a designated parking area for veterans at the Florence Government Center. Mayor Aubuchon stated her father and brothers were also veterans and veterans are very near and dear to her heart.

In the audience, Mayor Aubuchon introduced Greg Clift, City of Florence Public Services ISS Superintendent, and Gary Jett, a Florence veteran. Mayor Aubuchon stated Mr. Clift would be the city liaison on the commission.

Councilmember Carroll stated he is fully in support of the commission and believed that there was not enough being done for veterans and he was happy to vote in favor of the motion.

Councilmember Chambers stated, as a mother that has a child actively serving in the military, she believed this was a great program and that she hoped when her child comes home, he would be able to participate.

Mayor Aubuchon stated the city has an adopted military unit, The Renegades, out of Fort Campbell, Kentucky. They are currently deployed, and she hoped the commission would be a link to them for messages of inspiration and care.

No further discussion was necessitated and based on the motion to approve the first reading of Ordinance O-29-2023 by Councilmember Winn and seconded by Councilmember Carroll, Mayor Aubuchon requested a Roll Call Vote. Councilmember Carroll, yes; Councilmember Chambers, yes; Councilmember Winn, yes; Councilmember Kemper, yes; Councilmember Wingo, yes. **Roll Call recognized five yes votes approving the first reading of Ordinance O-29-2023.**

CITY OF FLORENCE PLANNING AND ZONING APPOINTMENT:

Mayor Aubuchon advised the Florence Planning and Zoning Committee is a committee of two Florence City Councilmembers. The current Florence Planning and Zoning Committee members are Gary Winn and Patricia Wingo. Due to an upcoming conflict of interest regarding a zoning map amendment, Councilmember Wingo recused herself from the zoning map amendment request. As a result, Councilmember Carroll has agreed to serve as a temporary committee member for this one item.

Mayor Aubuchon called for a motion to appoint Councilmember Carroll as a temporary Florence Planning and Zoning Committee Appointee. Councilmember Winn motioned to approve, with a second from Councilmember Wingo. **All councilmembers present voted aye.**

MAYOR'S REPORT:

- Mayor Aubuchon reminded everyone the YMCA Senior Fall Festival would be held on Friday, October 20 from 10:00 a.m.-2:00 p.m. at Thomas More Stadium, Home of the Florence Y'all. All seniors are invited to attend this free fun fall event. Over 40 community partners offering valuable senior resources, health screening, flu shots and many giveaways.
- Mayor Aubuchon announced the 2023 Leaf Collection Program would begin on October 23 and run through December 21. Contact the City of Florence Public Services Department at 859-647-5416 for more information. The schedule was also on the City of Florence Website. Mayor Aubuchon confirmed with Public Services Director, Eric Hall, that all streets are serviced three (3) times. Mr. Hall replied yes.

- Mayor Aubuchon announced Halloween Night Out would be held on Tuesday, October 24 at Thomas More Stadium, Home of the Florence Y'all's from 6:00-8:00 p.m. The event would have vendors and treats for kids. The "Nightmare at the Ballpark" would be a spooktacular family friendly free event and be held rain or shine. No city council meeting that evening. Mayor Aubuchon encouraged everyone to attend.
- Mayor Aubuchon announced the Florence Police Department is participating in the National Prescription Drug Take Back Day on Saturday, October 28, 10:00 a.m. – 2:00 p.m. There will be two drop off locations: the north parking lot of the Florence Government Center and Florence Kroger Marketplace, 7685 Mall Road. She encouraged everyone to call the Florence Police Department at (859)647-5420 for additional information.
- Mayor Aubuchon announced there would be no council meeting on Tuesday, October 31, as it was a 5th Tuesday and Halloween.
- Mayor Aubuchon reminded everyone trick or treat hours in all of Boone County would be on Halloween, Tuesday, October 31, from 6:00-8:00 p.m.
- Mayor Aubuchon reminded everyone the Household Hazardous Waste Collection Event at Thomas More Stadium, Home of the Florence Y'all's was scheduled for Saturday, November 4 from 9:00 a.m.-2:00 p.m. Free disposal of the following items: aerosol cans, antifreeze, batteries, corrosives/flammables (fuel, gasoline, etc.), electronics (computers, monitors, printers, cell phones, etc.), ink/toner cartridges, light bulbs, oil, paint (10 can limit), pesticides (2 gallons/liquid max or 2lbs/powder max), cylinders and tanks, TVs (limit of 2 per vehicle). They will not accept appliances, fertilizer, mercury-containing devices, medications, or tires at this event. Paper is no longer accepted. A registration form must be filled out and you may obtain the form on the city website and the county website. You must be a Boone, Kenton, or Campbell County resident to participate – no businesses. She encouraged everyone to contact the Boone County Coordinator, Jake Buerger at (859)334-3151 with any questions.
- Mayor Aubuchon reminded everyone, in partnership with Florence Christian Church, the city will host "The Witness Tree" Event. The event will be held beginning November 1 and run through November 11 daily at 8:00 a.m. on the campus of the Florence Government Center at the Boone County Veteran's Memorial. The event will last approximately 15-20 each day. The eleven-day program was intended to raise awareness of the estimated 22 veterans who commit suicide in our nation each day. The daily ceremonies will include placing 22 dog tags on a tree, readings, meditative thought, and reflection. Additional resources will be available for participants.
- Mayor Aubuchon reminded everyone the city would hold their Annual Veterans Day Program on Saturday, November 11 at 2:00 p.m. at the Florence Government Center, Community Rooms.
- Mayor Aubuchon reminded everyone the Honor Run Half Marathon would be held the morning of Sunday, November 12 beginning at the Florence Y'all Water Tower. Funds raised are donated to the Honor Flights Tri-State. She encouraged everyone to be mindful of the road closures during the race. The road closures will be posted on the website and social media.

CLOSED SESSION:

There was no need for Closed Session.

ADJOURNMENT:

There being no further business to come before Council, Mayor Aubuchon called for a motion to adjourn the Special Meeting. Councilmember Carroll so moved, with a second from Councilmember Wingo. **Councilmembers present voted aye**, the time being 6:36 p.m.

APPROVED:

/s/ Julie M. Aubuchon
Julie M. Aubuchon, Mayor

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk

