

**City of Taylor Mill
Commission Meeting
October 15, 2014
7:00 p.m.**

CALL TO ORDER:

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Bell and Commissioner Reis.

MINUTES: Minutes from the September 10, 2014 Commission Meeting.
Minutes from the September 17, 2014 Special Commission Meeting.

GUESTS: Margaret Freeman – 718 Vincent Drive (Water Issue/Concerns).

LEGISLATION: **Resolution** recognizing retiring Fire Chief Dennis Halpin.

UNFINISHED BUSINESS: **Phil Peace/Marty Butler – Proposed DTM 2 Zone Amendments/Changes.**

NEW BUSINESS: Complete Streets Initiative – NKAPC/N. KY Health Department.

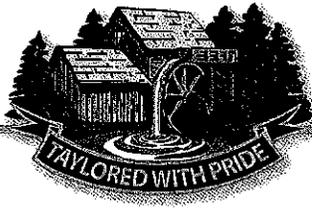
BUILDING & ZONING:

DEPARTMENT REPORTS:	City Administrator.	Legal Counsel.
	Administration.	Maintenance.
	Engineering.	Parks & Recreation.
	Finance.	Police.
	Fire.	

EXECUTIVE SESSION:

ADJOURNMENT:

ANNOUNCEMENTS:



City of Taylor Mill

est. 1957

Memorandum

DATE: October 14, 2014
TO: All City Commissioners and Interested Parties
FROM: Daniel L. Bell, Mayor
RE: Special Meeting

The City of Taylor Mill will hold a special meeting on Wednesday, October 15, 2014 at 7:00 p.m. The purpose of the meeting is to conduct our regular monthly Commission Meeting, as well as, any other business that may be brought before the City Commission for discussion and/or action. Please note the Commission Meeting normally scheduled for Wednesday, October 8, 2014 was postponed due to scheduling conflicts. The meeting will be held at Park Place Community Center, located within Pride Park, at 5614 Taylor Mill Road, Taylor Mill, KY, 41015 and follow our Farewell Retirement Reception for Fire Chief Dennis Halpin. The Retirement Ceremony will be from 5 pm until 7 pm.

For additional information please contact Ms. Jill Bailey, City Administrator, at 581-3234. Thank you.

Daniel L. Bell

**City Of Taylor Mill
SPECIAL COMMISSION MEETING
October 15, 2014**

The meeting was called to order at 7:01 pm by Mayor Bell. Commissioner Kuehne gave the invocation, followed by the Pledge of Allegiance led by Mayor Bell. The City Clerk called the roll.

Mayor Bell	Here
Commissioner Kreimborg	Here
Commissioner Kuehne	Here
Commissioner Murray	Here
Commissioner Reis	Absent

The Mayor noted that a quorum was present for the meeting. Mayor Bell noted that Commissioner Reis was not present and was currently on his way to the meeting.

Commissioner Murray made a motion to accept the minutes from the Commission Meeting on September 10, 2014 as submitted. Commissioner Kuehne made a second. All Commissioners present were in favor.

MOTION CARRIED

Commissioner Kuehne made a motion to accept the minutes from the Special Commission Meeting on September 17, 2014 as submitted. Commissioner Kreimborg made a second. All Commissioners present were in favor.

MOTION CARRIED

Mayor Bell announced that the Commission would like honor retiring Fire Chief, Dennis Halpin, after 35 year of service to the City of Taylor Mill. Mayor Bell thanked Chief Halpin for his many years of service and personal sacrifice to the City of Taylor Mill. Mayor Bell presented Chief Halpin with a resolution recognizing his long career with the City thanking him for his service, congratulating him on his retirement and wishing him good luck in his future endeavors. Mayor Bell and Commissioner Murray then presented Chief Halpin with his helmet, badge and fire coat.

Chief Halpin addressed the Commission and expressed his sincere appreciation for his staff. He stated that he would miss his staff tremendously and would keep in touch. Chief Halpin commented that he has enjoyed working the Mayor and City Commission throughout his

career. Chief Halpin expressed his thanks to Ms. Bailey and stated that she was great to work with and together they were able to bring a great deal of progression to the Fire Department. Chief Halpin stated that during his tenure the Fire Department got more modern equipment, full-time staffing, ALS and he recognized his staff for these achievements. Chief Halpin stated that his staff has been like family to him. Chief Halpin thanked the Police Department for the years of collaboration during his career. Chief Halpin acknowledged Marc Roden and the Maintenance Department and thanked them for a great working relationship. Chief Halpin also thanked Mr. Wichmann for his legal counsel during his career.

Chief Halpin expressed his thanks to his family. He acknowledged his daughter, son, step-daughter, step-son and his wife, Kathy. He shared a story about how he met his wife and thanked her for many good years together. Chief Halpin then acknowledged his grandchildren and stated that he planned to spend more time with them. He noted that his granddaughter, Bailey, was in attendance. In closing, Chief Halpin stated that his staff was among the best. Chief Halpin stated that he would miss everyone at the City and that he would be around and keep in touch.

Commissioner Murray made a motion to adopt the Resolution recognizing and honoring Fire Chief Dennis Halpin on his retirement. Commissioner Kuehne made a second. All Commissioners present were in favor.

MOTION CARRIED

Mayor Bell announced that October is Breast Cancer awareness month. Commissioner Kreimborg stated that this year more than 230,000 woman and 2,000 men were diagnosed with breast cancer and stated that early detection is key for survival. She encouraged everyone to become familiar with the symptoms of the disease and to talk with healthcare providers about detection and the importance of mammograms. She stated that more information could be found on-line at: www.cancer.gov.

(Commissioner Roger Reis arrived at the meeting)

Mayor Bell stated Marcia Bach from the Northern Kentucky Health department would be making a presentation about a program called Complete Streets.

Ms. Bach stated that she would be presenting with Ed Dietrich from Planning and Development Services of Kenton County. She stated that she has been working with two communities through a grant from Interact for Health for Complete Streets. She stated that the Commission had recently toured Norton Commons in Prospect, KY that was a model for the Complete Streets concepts. Marcia said her presentation would focus on what Complete Streets are, why we want them and how we get them. She then showed a video that gave an overview of the Complete Streets concept.

The video stated that Complete Streets centers on people being able to get from point A to point B using whatever means of transportation they desire. Complete Streets is a concept that takes more than just cars into consideration when designing our roads. There is no set design for a Complete Street. Every street can be customized to meet the needs of the area. Complete Streets

is an incremental long-term plan so that changes can be done slowly and economically. It is an investment in the future health and safety of residents.

After the video, Mr. Dietrich commented that Complete Streets are designed for everyone to use as they see fit. Complete Streets can include bicycle lanes, sidewalks, left turn lanes, pedestrian islands and crosswalks. Complete Streets are not the same everywhere and are tailored to the context of the community. Mr. Dietrich said that the cost of Complete Streets varies but if it is planned for early on in a project they really don't have to cost that much. He stated that if you are trying to implement Complete Streets elements retroactively, it can be expensive. The best thing to do in that case is to do things incrementally and in stages. He also stated that not every street can be a Complete Street.

Ms. Bach presented to the Commission the reasons why we want Complete Streets. She stated that people want choices and transportation options. She elaborated that people also want to feel safe to walk, bicycle and use bus transit. She also said that people want to be healthy. She said that Kentucky ranks fifth in the nation for obesity and 3rd in childhood obesity. She stated that the Center for Disease Control and Prevention recommend adoption to the Complete Streets policies as a strategy to prevent obesity. Complete Streets also help to increase physical activity which helps residents live longer healthy lives.

Ms. Bach stated some of the other benefits are lower gas costs, reduced traffic congestion, improved air quality and creating a more livable community in general.

Ms. Bach then addressed how we get Complete Streets. She commented that a Complete Streets policy formalizes a community's intent to get Complete Streets and ensure that all modes of transportation are considered for all users on all roads. Not all roads can be a Complete Street. Ms. Bauch stated she would like to applaud the City because we are moving in the right direction with infrastructure in place with development, but we still have areas that need improvement. Ms. Bach stated she has been working with Ms. Bailey and established a Complete Streets policy that echoes national standards.

Mr. Dietrich stated that he would outline the policy guidelines that would constitute a Complete Streets program. The ultimate goal of this policy is to create an interconnected network of Complete Streets that balances the needs of all users in order to achieve maximum functionality and use. Mr. Dietrich stated that at this time he would like the Commission to consider this and look it over and to bring this policy forward to the next meeting for adoption.

Mayor Bell thanked Mr. Dietrich and Ms. Bach for the time and presentation. Mayor Bell stated that he was on the Executive Board for OKI and was able to obtain a \$300,000 grant to put in sidewalks so we are on our way. Mayor Bell commented that you will actually be able to walk in complete circle from the 275 interstate all the way to Vincent Drive. Ms. Bauch stated that adopting a Complete Streets policy put the City in a position for more grant opportunities.

Mayor Bell stated that Commissioner Reis had joined the meeting.

Mayor Bell stated that KRS had passed a new statute in regard to how you have to put up tents. Commissioner Murray stated that now you need a permit to put up a tent outside. He stated that the City had recently found this out with park Fest and that the City had to scramble to make the changes necessary to bring the City into compliance. Commissioner Murray stated that this may effect how we use our tents in the future.

Mayor Bell elaborated that the new statute was passed on July 1, 2014 and made changes to how many barrels you have to have for each pole, who puts the tent up and the tents now have to be inspected and that involves a fee. Mayor Bell stated that this may effect the City's ability to rent out tents as was done in the past on occasion.

GUESTS:

Margaret Freeman of 718 Vincent Drive stated that she would like storm sewers on Vincent Drive to take the water off of Vincent Drive. She stated that since the new road has been put through, the water coming down Vincent drive was terrible. She stated that she lives on the corner of Vincent and Bonnie and the water all lands in her driveway now and it did not do that before the new road was installed. She stated that she has problems with water in the back of her property and that Marc Roden had been out many times to try to help and come up with ideas but nothing has helped. She stated that the new part of Vincent had storm sewers and the old part does not.

Mayor Bell stated that it was his understanding from pre-construction meetings that the State would resolve all of the run off issues Vincent. Ms. Bailey stated that the State indicated that the road would crown at a certain point and flow the water to correct side of the street. Commissioner Murray asked if that road was actually done. Ms. Bailey stated that she was not sure if all of the work was complete.

Mayor Bell stated that there would be retention pond on Vincent. Ms. Freeman said that she has talked to the State many times and that they have been out to her property many times and so far nothing has helped. She stated that her back yard is constantly saturated with water and was drawing mosquitos and was a mud hole. Ms. Bailey asked if the State indicated to Ms. Freeman if they would do something to help her. Ms. Freeman responded that the State keeps saying that they are going to do something, but nothing has been done. Ms. Freeman stated that four years ago she had \$18,000 of damage done to her home by water and she cannot afford that kind of problem again. Ms. Freeman stated that she had been to the City many times to ask for help with this issue and it is much worse with the new road. Mr. Brueggeman stated that he had not been to Ms. Freeman's property so he could not comment on specifics, but his understanding was that the final asphalt surface was not complete yet and the water would not flow properly until that is finished. Ms. Bailey asked that Mr. Brueggeman go out and look at Ms. Freeman's property. Mr. Brueggeman indicated he would go look at the property very soon and advise the City of his findings. Mayor Bell assured Ms. Freeman that the City would get back to her with a response soon.

Mayor Bell announced that our next guest would be Phil Peace and his wife Laurie Peace of 608 Brandtly Ridge, Covington, KY. Mr. Peace stated that last month he and his attorney asked the Commission to enter into a Development Agreement that, in summary, states that Mr. Peace

would build a new Davis Road and convey it to the City in exchange for current right of way on the NW and SW corner of Honey and new KY-16 to Mr. Peace. Mr. Peace stated that if the Commission found the Development Agreement desirable, he would ask for a motion to direct Mr. Wichmann to work with his attorney, Marty Butler, to draft an Agreement based on the outline presented at last month's meeting. Mr. Peace stated that there was concern that the Kentucky Transportation Cabinet was now considering subdividing the right of way around the corner into potential excess and right of way. He said that doing so would be devastating to the financial feasibility of trading new a Davis road for the old right of way. He stated that he met with Representative Kerr on site about this problem. He asked for Representative Kerr's help in keeping the right of way just as it is. He also asked Representative Kerr if he could investigate ways to shorten the time to get the right of way conveyed to the City instead of two to three years. Mr. Peace stated that Representative Kerr agreed to help and apprise Senator Thayer of the issue also. Mr. Peace stated that Representative Kerr asked him to see if the Commission would draft a letter addressed to him and Senator Thayer explaining that the City desires that the right of way remain intact for the purpose of exchanging it for a new Davis road and that the city would also like assistance in having it transferred from the State to the City more quickly. Mr. Peace asked the Commission to direct Ms. Bailey to draft a letter as requested by Representative Kerr.

Mayor Bell stated that right now we would have to take a look at what the State is currently doing as he was unaware of the changes Mr. Peace referenced to the right of way that the State was now considering. Mr. Peace stated that this was a new development and indicated the proposed changes were outlined in the handouts he gave to the Commission at the start of his presentation. Mayor Bell stated that he wished Representative Kerr would have called the City and let us know about the proposed changes to the right of way. Mr. Peace stated that he had contacted Representative Kerr and that was how he learned about the changes. Mayor Bell stated that it seemed to him that the best course of action was for the City to have a conversation with Representative Kerr. Mr. Peace stated that it had only been a couple of days since his meeting with Representative Kerr. He again stated that Representative Kerr asked for the letter from the City so that he has it when he goes to Frankfort to address this issue so they would know the City is on board. Mayor Bell stated that first he has to know what the State's intentions are regarding the changes to the right of way and why are they doing this. Mayor Bell stated he would try to find why and that would effect the city's response.

Commissioner Reis stated that the right of way change was news to the Commission so more information was needed before he felt comfortable in drafting a letter.

Mr. Peace stated that what the letter would say is that the City would like to shorten the time from two or three years to get the right of way conveyed to the City and that the City would like to keep intact the right of way that was agreed upon by resolution in 2011. He stated that until the State tells us the boundaries, he could not go forward with development plans because he did not know what the boundaries will be.

Commissioner Reis stated that he understood what Mr. Peace was asking, but that would be after the City found out what was generating this change.

Mayor Bell stated that there has to be a reason why the State was proposing this change and the City needs to know what that reason is.

Mr. Peace asked again out proceeding with the Development Agreement. Mayor Bell said that the Commission was talking about that and considering some options, but that they were undecided about which way they wanted to go at this time. Mayor Bell stated that since we don't even know when we can get the property turned over to the City, he did not see the urgency on a decision.

Mr. Peace interjected that he feels like we are all just spinning our wheels and that this has been going on for the better part of a year. He stated that all he needs is an Agreement from the City to work together on developing this piece of property. He stated that Representative Kerr had asked for a letter from the City and all he is asking for is help to make it happen. Mr. Peace stated that he would like the Commission to make a motion to direct Mr. Wichmann to work with his attorney to draft an Agreement. He stated he would put in a new Davis Rd in exchange for the right of way. He is asking for a Development Agreement and the City's help in working to find out the property boundaries with the State and right of way issue. Mr. Peace again asked that the City draft a letter to Representative Kerr so that we could get the attention of the Kentucky Transportation Cabinet so we can get answers on the right of way issues. He stated that he didn't think the City would want the right of way because the City would have to maintain it.

Ms. Bailey stated that it was agreed upon early on that it made more sense for the right of way to be adjacent to that to be part of that development. Ms. Bailey stated that initially what was talked about was the lack of a development plan. She stated that they were hoping see a development plan from Mr. Peace.

Mr. Peace stated that the first part of his development plan is the UDF, but to make that happen he has to know what the boundaries are on that corner to figure out where he can go.

Commissioner Murray stated that it was unknown whether the right of way was going to be 60 feet wide or 75 feet wide.

Mr. Peace stated that he did not know and that we need someone at the State level to make a decision and a Development Agreement that says we are working together to draw out an answer so that things can move forward. Mr. Peace stated that Representative Kerr is willing to help but requested a letter from the City. Mr. Peace stated that he just wants to get an answer so he can move forward.

Ms. Bailey asked Mr. Peace if he had talked to Representative Kerr as a State Representative or through his attorney. Mr. Peace stated that he spoke to Representative Kerr as a State Representative.

Commissioner Kuehne stated he was not comfortable voting on something, or even sending a letter to the State, until it is understood why they are making this change to the right of way. Commissioner Kuehne asked why the State would inform Mr. Peace and not the City.

Mr. Peace stated that all he was asking for is a letter to the State trying to get an answer--not why are you doing it, just to get an answer. Mr. Peace stated that Representative Kerr wants the letter to show the State that the City is involved and that this is not just his project.

Commissioner Kuehne stated that he would prefer to get the answer from the State in person and not by letter. Commissioner Kuehne stated that a letter would commit the City to things in writing and he was not comfortable doing that.

Commissioner Reis stated that he didn't feel that a letter of agreement was necessary. He stated that it is part of the City's job to work with Mr. Peace. He stated that if the City says they are going to work through an issue, he didn't understand the need for a letter.

Mr. Peace stated that Representative Kerr asked for the letter.

Commissioner Reis stated that Mayor Bell could talk to Representative Kerr.

Mr. Peace stated that the Mayor was not getting answers and neither was he. He stated that everyone is running into the same wall. Mr. Peace stated that he went to the legislature to help get an answer on the right of way.

Commissioner Reis asked if the Mayor was aware of Mr. Peace's request for a letter before this meeting.

Ms. Peace responded saying no.

Mayor Bell stated that he would talk to Representative Kerr. He stated that he had to find out why the State is changing the right of way. He stated there has to be a reason. Mayor Bell also stated that he would talk to Representative Kerr about the letter Mr. Peace is requesting.

Mr. Peace asked if he could have a motion made to at least allow his attorney to work with Mr. Wichmann to put together a Development agreement and create a framework for the agreement.

Commissioner Kuehne stated that he did not understand why a Development Agreement is needed.

Mr. Peace stated he needs the agreement because he is getting ready to spend four or five hundred thousand dollars to put a road in and he needs to know that the City is on board with the road going in and that the right of way will be traded when the road is finished.

Commissioner Reis stated he did not feel comfortable about giving Mr. Peace that agreement until more is found out about the State's position on the right of way.

Mr. Peace stated that the Development Agreement was the same agreement presented last month. He stated that he approached Commissioner Reis two times to sit down and meet to discuss the agreement and that Commissioner Reis was acting like he had not seen the agreement.

Commissioner Reis stated that he was not saying that he had not seen the agreement, but that new information was presented tonight.

Mr. Peace stated that the agreement was the same as was given last month and that he would like to proceed with the agreement. Mr. Peace stated that he would like a vote tonight to see if the attorneys could proceed with drafting the agreement.

Commissioner Reis stated that he was not comfortable with a vote as the new information had to be considered and there has been no project proposal. He also stated that what would happen with the easement was unknown and he was not comfortable voting at this time.

Mr. Peace asked again for direction for his attorney to work with Mr. Wichmann to draft the Development Agreement.

Commissioner Reis asked Mr. Wichmann if he felt comfortable putting together a Development Agreement not knowing all the details of what is to come.

Mr. Wichmann responded saying yes. Mr. Wichmann stated that the Agreement would have to be voted on later. He stated that whatever was in the agreement meant nothing until the Commission voted on it.

Ms. Bailey stated that there would be a fee for the City associated with Mr. Wichmann's services. She asked if Marty Butler could send over a draft to start from.

Mr. Peace stated that initial draft and framework has already been done and presented to the Commission last month and it is the same document he is presenting tonight.

Commissioner Murray stated that he did not see an issue with proceeding with the agreement as the Commission could still vote it down at the end of the day. He stated that the change in the right of way was a curve ball, but that he feels the City does not want that right of way and he wants it to go to development. He stated that if the City can get a private developer to put a street in at his expense that would save the City a tremendous amount of money and it was a win win for the City.

Mayor Bell stated that he wants to sort out the right of way issue with the State first. He stated that if the right of way isn't sorted out first, whatever is written in a resolution means nothing. He stated that if we don't understand why they are changing the right of way and we don't win the right of way issue, it doesn't help Mr. Peace

Commissioner Murray asked what Mayor Bell meant by winning the right of way. He questioned who else they would give the right of way of way to.

Mr. Peace stated that if everyone kept fighting each other we would not get anyone at the State to help.

Mayor Bell said that Mr. Peace was wrong about fighting each other, it is just a difference chronologically of how things would proceed.

Mr. Peace stated that it has been almost a year since they started working on this and that he needs the City's help in proceeding with fleshing out a Development Agreement as the first step. The second step is getting a letter to Representative Kerr and Senator Thayer.

Commissioner Reis stated that the City needed to make a phone call first.

Commissioner Murray stated that he had been in many labor negotiations as a shop steward and that if agreements are not on paper it didn't happen. He stated that Mr. Peace is asking for a letter not tying the City to anything and we can walk out of it at the back end if necessary. Commissioner Murray stated that Representative Kerr didn't want to get to Frankfort and start working on this and then find out that everybody up here has changed their mind.

Commissioner Kuehne asked, working on what? Commissioner Murray answered working on the right of way issue. Commissioner Kuehne stated that Mr. Peace just said it was changed and asked what it is Representative Kerr will be working on. Commissioner Murray stated that Representative Kerr would be working on finding out why it was changed and to get answers. Mr. Peace stated that Representative Kerr was trying to head off any change in the right of way.

Commissioner Kuehne stated that in the next thirty to sixty days he feels the Commission should talk with Representative Kerr and get answers.

Mayor Bell stated that he had no idea about the changes to the right of way. Ms. Peace stated that it was Mike Beezold that told Mr. Peace about the changes. She stated that the State doesn't even know what they are going to do. She said Mr. Beezold told them it may be potential excess or it may not.

Mr. Peace stated that with the right of way up in the air nobody can advance. He stated that Representative Kerr said he was willing to help and that the one thing he asked for was a letter from the City. He stated that he needs the City to direct Mr. Wichmann to work with his attorney to draft a Development Agreement. He stated that his attorney would do most of the work but that they would still need Mr. Wichmann input and help.

Commissioner Reis stated that he liked Ms. Bailey's idea of having Mr. Peace's attorney put something together for the Commission to review. Mr. Peace stated that his attorney had put the draft together and that was what was presented last month.

Mayor Bell stated that the framework presented is for a more broad scope of the project and what is trying to be done now is to sequester the right of way on the side of the road where Mr. Peace wants to put the gas station. He stated that the killer on this agreement would be if the City does not get the right of way.

Mr. Peace said that the killer is for the City. Mr. Peace stated that if the State decides to divide it up and make it excess, that he would just buy the excess and he would not put a Davis Road in. He

stated that he would just buy the excess and be miles ahead. He said it would be cheaper for him to buy the excess and be done with it. He stated that he was trying to get Davis Road connected to DTM-4 and that he was willing to put it in if the City agrees to work together to get the right of way.

Mayor Bell asked Mr. Peace if he thought the State was going to put the land for sale for anybody to buy. He stated that it was his understanding that if the State put the land for sale that the adjacent property owner had the right to buy it first. He stated that he thought that would be a smart move for Mr. Peace.

Mr. Peace stated that Davis is a driveway not a City street. He stated that he would like to put in a proper City Street to compliment his development plans. He stated that he is willing to put the road in at his expense if the City will trade right of way for the road. He stated that if they break it up and there is excess in there that he would have to spend money to buy the property and would not have the money to build Davis Road.

Commissioner Reis asked Mr. Wichmann if he had ever written a Development Agreement and if they were typical.

Mr. Wichmann responded that he had not written a Development Agreement and stated that they are difficult.

Commissioner Reis stated that he felt the City was agreeing to something without really knowing all the details. He stated that he does not feel like there is an agreement about zoning and entering into a Development Agreement was not wise.

Mr. Peace stated that there was a zoning issue and a new road issue. He said that Davis Road needs to go in as it is an 18 foot driveway now. He stated that he is offering to put it in and it would be a proper City street that connects to DTM-4.

Commissioner Reis stated that Mr. Peace should have his attorney draft an agreement specific to the Davis road project.

Mr. Peace stated that he has already presented this agreement last month and it is the same agreement presented tonight. He stated that the agreement states that he will design the road and put it in and when it is done he will convey it to the City and that the City trades right of way for the road. He stated that the goal is to keep all the land right of way so that this financially feasible.

Commissioner Reis stated that Mr. Wichmann said he has never done a Development Agreement and that they are difficult. He asked if we have any idea what this would cost the City.

Mr. Wichmann stated that the bulk of the work would be done by Mr. Peace's attorney and that he would be in a reviewing mode and would make sure there are not clauses in the agreement that are detrimental to the City. He stated that the cost of him doing this was inconsequential as far as the decision to allow the development agreement to go forward. He stated the point Mr. Peace was making is that you are not allowing development but you are simply allowing an agreement to be

developed that would be voted on later. He stated that if the Commission did not like the agreement they could vote no on it.

Commissioner Reis asked Mr. Wichmann if it would be a one review item or would it be continuous reviews or revisions. Mr. Wichmann stated that there would be some dialogue back and forth and drafts and revisions. Mr. Wichmann stated again that the documents would still have to be voted on later. He stated that the Commission was not bound to approve it.

Commissioner Reis stated that he stills feels like there needs to be more information about how or why the State is changing the right of way to excess before an agreement can begin.

Commissioner Murray stated that Mr. Peace can just buy the property if it becomes excess and then he would not put a Davis road in. Commissioner Murray commented that somewhere down the road when that land on top of the hill gets developed, someone is going to have to put a road in. He stated that here is a man right here willing to put the road in for us if we will trade right of way so they can move ahead with his project. He stated that he did not understand what the issue is.

Mayor Bell interjected that whatever this agreement is there are still roadblocks in the way such as the zoning. Mr. Peace asked if the zoning issues had anything to do with the Davis road project.

Mayor Bell responded no, but there still have not been any changes in the DTM-2 zone that would allow development to proceed. He stated that he is primarily focused on the corner with the right of way issues. He stated that Mr. Peace really cannot proceed without this being resolved.

Mr. Peace stated that he would need to put the road in before the City would convey anything to him. He stated that he cannot do just one side of it that he has to do the whole thing at once. He has to do the Davis side and the other side at once.

Mayor Bell stated that no development plan has been presented for the other side. He stated that he has seen the corner but the he cannot approve things that have not been seen yet. Mr. Peace stated that what that development would look like will not effect where the road will go.

Ms. Bailey stated that it would actually effect the size of the road because when Mr. Holland constructed Holland Drive, there were requirements from traffic studies that dictated the width of that road and he had been asked that the road be widened to support additional development that was planned behind it. She asked Mr. Peace if he was thinking Davis road would be two or three lanes. Mr. Peace stated that he was thinking two lanes. Ms. Bailey stated that she was not sure that you could get a building permit without that road being designed to a certain standard based on traffic studies. She stated that Mr. Peace had not done those traffic studies yet.

Mr. Peace stated that traffic studies had not been done yet but that he would be replacing it with a two lane road with curbs, gutters and sidewalks.

Ms. Bailey stated that her concern was that it might have to be bigger realistically based on what is going to be developed behind it and what Mr. Peace was going to develop adjacent to it based upon parking number and other things a wider road might be needed to secure a building permit.

Mr. Peace stated that Ms. Bailey may be right but and those things would have to be dealt with and discussed and that he is just trying to move forward. Ms. Bailey stated that the road and what is developed around it go hand in hand.

Mr. Peace stated that all he is asking is that we move forward with a development agreement.

Mark Brueggemann stated that he was a little bit confused about the statement that the road can go in without knowing what the development plan is. He stated that the development plan will dictate the alignment of the road.

Mr. Peace stated that he knows where he has to start and he knows where he has to end. He stated that he has to hit Davis at the edge of the property and the he can't change the elevation of the property because he doesn't own it. He stated that he has to meet up at the edge of their property so the contours pretty much tell him that the road has to follow that general shape.

Mr. Brueggemann stated that there are a lot of devils in the details there. Mr. Peace stated that there is no reason to begin talking about details until he knows the City is moving with him on this and that is what the Development Agreement does. He asked again if the City would direct Mr. Wichmann to work with his attorney to get started on the agreement.

Commissioner Kreimborg stated that she felt uncomfortable that Representative Kerr had not talked to the City. She did not feel comfortable putting something in writing that was just presented to the Commission tonight. She stated that she would like to know why the State is changing the right of way because sometimes the State does get things right. She said before she would feel comfortable putting anything in writing she would want to know why the State is changing the right of way.

Mr. Peace stated that the Development Agreement states that he and the City are going to work together and get help at the Frankfort level to get answer to these questions.

Commissioner Kreimborg stated that she felt uncomfortable writing the letter without knowing why the State is changing the right of way. Commissioner Murray stated that the letter is about finding out why they are changing the right of way.

Commissioner Reis asked Mr. Wichmann if the Development Agreement would bind the City financially or obligate the City in any way. Mr. Wichmann said that it would if the City approves it.

Commissioner Reis stated for clarification that starting the Development Agreement would not bind the City in any way and that Mr. Peace's attorney would send something to Frank for him to review and to present to the Commission for approval.

Mr. Wichmann stated that he would have some comments on the language in the Development Agreement but that his fees would not be prohibitive.

Commissioner Kreimborg asked if Mayor Bell would call Representative Kerr tomorrow to get more information. Mayor Bell stated that he would call Representative Kerr. He stated that he did not see a problem with stating that the City would work together with Mr. Peace. However he is only one vote and even after the Development Agreement is signed there are still a myriad of things that have to be dealt with.

Mr. Peace stated that he cannot get a development plan together until he knows what the boundaries will be. He stated that he cannot get anyone to commit when they don't know what it is going to look like.

Mayor Bell stated that Mr. Peace does know what it is going to look like.

Mr. Peace stated that he does not know. He stated that Davis Drive is a driveway. He asked whether Davis going to stay or is it going to go?

Mayor Bell stated that all could refer Mr. Peace to were the DTM-2 guidelines.

Mr. Peace stated that he doesn't know what the land looks like and was not worried about the zoning right now. Commissioner Murray stated that all Mr. Peace is asking for is to move ahead together.

Mayor Bell stated that he is okay with that but that he doesn't know what the other side of the road will look like. He stated that he does not have a problem with proceeding with a Development Agreement, but he DTM-2 zone guidelines are still in effect and will be an issue for what goes into that space.

Commissioner Reis stated he would prefer that Mayor Bell talk to Representative Kerr and do some other research before the City gives Mr. Peace a letter. Mayor Bell stated that he will talk to Representative Kerr and do whatever he needs to do to get more information.

Ms. Bailey stated that Mr. Peace has asked the Commission for two specific issues this evening and that she was not comfortable writing anything on behalf of the Commission without a motion supporting clearly what is being asked of her. She stated that if anyone wanted to make a motion on either one of the issues that it was at a point to make that decision and make a motion and see if it had a second.

Mayor Bell stated that the first issue was a letter to Representative Kerr about the status of the right of way and the second issue would be to proceed with drafting a Development Agreement.

Ms. Bailey stated that a motion should be made for each of these issues separately if that is what the Commission would like to do.

Commissioner Murray made a motion to write a letter to Representative Kerr asking for his assistance to establish the right of way with the State. Motion did not receive a second.

Commissioner Reis made a motion to, with Mr. Wichmann's clarification, direct the City Attorney to work with Mr. Peace's attorney to draft a proposed Development Agreement for the Commission's consideration at a later date. Commissioner Murray made a second. The clerk called role. Commissioner Reis—Yes, Commissioner Murray—Yes, Mayor Bell—Yes, Commissioner Kreimborg—Yes, Commissioner—Yes.

MOTION CARRIED

Mr. Peace asked that a motion be made that after the City has spoken to Representative Kerr a letter be written by the City.

Mayor Bell said he did not need a motion to write a letter to Representative Kerr for clarification. Mr. Peace stated that he just did not want to wait another month if the City agreed to do it. Mayor Bell stated that he would be calling Representative Kerr tomorrow.

Mr. Peace stated that the next issue he wanted to discuss was the text amendment to DTM-2 zone. He stated that there was talk of a new zone and a text amendment. He stated that he was looking for feedback on which direction the City would like go.

Mayor Bell stated that he was unsure of the position of the entire Commission but that he personally was hoping to go in the direction of DTM-5 and create something just for Mr. Peace's corner.

Mr. Peace stated that he needed to direct his attorney on the path the City has chosen so that he can move forward.

Mr. Wichmann stated that the answer to Mr. Peace's question, was that the Commission has not made a decision yet on this issue.

Mr. Peace stated that he had proposed amendments to DTM-2. He stated that the argument wasn't so much that they were bad amendments but that they were all encompassing. He stated that a new zone would be that exact text but would say DTM-5 instead of DTM-2. Mayor Bell stated that DTM-5 did not include all of Mr. Peace's property which was a problem.

Mayor Bell stated that some of the Commission was uncomfortable just making a blanket change to the DTM-2 zone with all the setbacks.

Mr. Peace stated that a DTM-5 zone would be created for the corner parcel. He asked for the Commission's direction as to whether he should create the text for DTM-5 which would be the same as was presented last month. He requested that his property be made the DTM-5 zone since it was a unique convenience commercial area.

Mayor Bell stated that he was only talking about the corner lot where UDF would go. He asked Mr. Peace if he was referencing all of the property he owned.

Mr. Peace stated that he was assuming the Commission wanted to go with a new zone. Commissioner Kreimberg stated that Mr. Peace should not say that.

Mr. Peace stated that last month the changes proposed would be for all of DTM-2 because he could not just change it for his property. He stated that is where the idea of a new zone came into play that would be just for his property.

Commissioner Murray stated that most of the Commission was uncomfortable doing it for the whole piece of Mr. Peace's property but they would be more open to doing it just for the UDF side.

Commissioner Reis stated that he is not comfortable changing any of the zoning at this time because we have some set guidelines and he wants to stay with those guidelines and if UDF does not want to conform to those guidelines he would prefer not to change them.

Mr. Peace stated that the UDF would not work with the zero setbacks in the current DTM-2 zone. He stated that without modifying the current zoning a UDF could not go in.

Mayor Bell stated that he wanted to confine the zoning changes to the corner lot just for UDF. He stated that the rest of Mr. Peace's property would be subject to the current zoning guidelines unless Mr. Peace brought a development plan that caused them to change it.

Mr. Peace stated for clarification that what Mayor Bell was proposing was new zone just for his corner lot. He stated that if he puts a new Davis Road in he has a 16 inch water main that cuts across his property on the other side. (Mr. Peace used a diagram at the meeting for clarification). He stated that if he develops this parcel according to the existing DTM-2 zoning he would have to put the building facing Davis which means the front of the building faces Davis and parking would have to be behind the building.

Mayor Bell said the water line would have to be moved. Mr. Peace stated that moving the water line would be approximately \$170,000 to move. He said he would not be interested in taking that land if he has to move the water line. He stated that any buildings on that side of the property would face Davis and the parking lot and dumpsters would face KY-16. As a happy medium Mr. Peace said that perhaps the portion on his land near the water line could be DTM-5 and the rest would remain DTM-2.

M stated that the water line could be moved and that there are way of dealing with that. Mayor Bell asked about the current zoning setbacks and Mr. Peace said it is from the edge of right of way and that has not been established. He stated that it would be disaster to have the building face Davis.

Ms. Bailey stated that the City wanted the buildings to face Honey or Sawmill or whatever that road would be called. Mr. Peace stated that the current zoning still required that the back of his

building to face KY-16. He again suggested that the land near the water line be in the DTM-5 and the rest left DTM-2. He stated that this would take care of the water line and facing issues.

Mayor Bell asked what buildings would be going in there. Mr. Peace stated BB&T wanted the corner and a medical facility was also interested in the land. Mr. Peace stated that the bank needed a zoning change to build there.

Commissioner Reis asked Mr. Peace why the bank needed a zoning change.

Mr. Peace stated that the bank could not put in a building under DTM-2 zoning.

Commissioner Kuehne asked if they could not or they didn't want to.

Mr. Peace said the water line was the issue.

Commissioner Reis stated if the water line was moved would they build the building according to DTM-2.

Mr. Peace stated that the front of the bank would have to face Davis and the back would face KY-16. He stated that the bank wanted circulation around the bank. Mr. Peace stated that the medical facility that wanted to build went to Area Planning. Area planning told them that they could build what they wanted in DTM-2 because of the setbacks. He said the medical facility developer said it was taking too long and said he was going to look at other options. Mr. Peace stated that he is trying to get them back but that he can't get them back if he doesn't have zoning changes approved.

Mark Brueggeman commented that Mr. Peace was asking people to evaluate and give feedback and it is a very difficult thing to ask without seeing a development plan showing what he wants to do. He stated that if he were in the position of the Commission he would find it difficult because of the lack of development plan.

Mr. Peace stated that Development Plan or not, the building would still have to face Davis Road and not KY-16.

Mr. Brueggeman stated that Mr. Peace should bring a concept of what he wants to do so that he can communicate his message more clearly

Mr. Wichmann asked Mr. Peace what he was asking for tonight.

Mr. Peace stated that he was asking for decision on whether or not a new zone would be created.

Mayor Bell stated that the Commission had agreed to work with Mr. Peace and this was stuff that would be decided when a development plan was proposed.

Ms. Peace asked what they should tell UDF from tonight's meeting.

Mr. Peace stated that he was getting that a new DTM-5 would be considered for the UDF corner. He stated that because of the water line on the other side he could never develop there according to DTM-2 zoning requirements and it made sense to include that in the DTM-5 zone so that the buildings could face KY-16.

Mayor Bell said that current zoning doesn't work unless Mr. Peace pays to have the water line moved. Mr. Peace stated that was true, but that he could not afford to do.

Commissioner Reis stated that the building could face KY-16 if the water line was moved.

Mr. Peace stated that this was a unique area and that the building should face KY-16. He stated that the zero setbacks were not conducive to this area.

Ms. Peace stated that Ms. Bailey and Mr. Peace saw the problem with the water line years ago and tried to get it moved but failed.

Ms. Bailey stated that the waterline is in the right of way but that they don't plan for development.

Mr. Peace asked that a motion be made to create a new zone for the corner lot where UDF would go and to include the portion of his land across the street near the water line be in that new zone instead of modifying all of DTM-2.

Commissioner Reis asked Mark Brueggeman if anything could be built on top of the water line even if the zoning was changed.

Mr. Brueggeman responded that you could have parking over the water line but not a building.

Commissioner Reis stated that he was not comfortable making that zoning change at this time.

Commissioner Murray asked Commissioner Reis is if he was in favor of making just the UDF corner its own zone.

Commissioner Reis replied no because it was going away from the original design plan and if UDF wants it they could build to the City's design plan.

Commissioner Murray made a motion to create a new zone for the corner lot where UDF would go with the reminder all Mr. Peace's property remaining DTM-2.

Mr. Wichmann stated that Commissioner Murray could not make a motion to create the new zone because it has to go through Area Planning first. Ms. Bailey stated that a both a map and text amendment were needed. Mr. Wichmann stated that the map amendment can be proposed to the Planning Commission by the owner of the property and that the text amendment had to be proposed by the City.

Mr. Wichmann stated that a motion needed to be made for the City Council to approve an application for a text amendment and before we can do that we need the text that we are proposing. Mr. Wichmann stated he and Mr. Peace's attorney would need to work that out.

Mr. Peace asked Mr. Wichmann how to proceed to get things approved. Mr. Wichmann stated that you have to start with the language of the text amendment and we don't have that yet.

Commissioner Murray stated that we need to find out if the rest of the Commission would go along with this.

Mr. Peace stated the text amendment language is exactly the same language as we went over last month except it would be changed from DTM-2 to DTM-5.

Mr. Wichmann stated that the motion could be to submit an application for a text amendment with that language presented subject to some modification.

Commissioner Murray made a motion to submit an application for a text amendment with the language proposed by Mr. Peace and his attorney subject to some modification. Mr. Wichmann clarified that the motion would be to authorize the City Administrator to make an application to the Planning Commission for a text amendment consistent with the language that has been previously proposed subject to some minor modifications.

Mr. Wichmann stated that the Commission needed to decide if the application was going to be to create a new zone or to revise the existing zone.

Commissioner Kreimborg stated that from day one that she does not like the idea of creating a new zone. She stated that the four zones were created by professionals at great expense for a reason. She stated that she is not in favor of creating more zones.

Commissioner Murray stated that he feels creating a DTM-5 is the easiest solution because if you make a modification in the zone it applies to all development in the zone.

Commissioner Murray stated that his motion is on the table. Mr. Wichmann said for clarification the motion would be to authorize the City Administrator to make an application to the Planning Commission for a text amendment to create a new zone (DTM-5) consistent with the language that has been previously proposed subject to some modifications.

Mayor Bell said he would second the motion but there was no one else to support it.

Mr. Peace asked where that left him. Mayor Bell stated that it left him with the Development Agreement that was just passed and that further discussion was warranted.

Mr. Peace stated something has to be done with the corner lot for UDF. Mayor Bell stated that more discussion about the corner lot would take place.

Mr. Peace stated that the Development Agreement was strictly for Davis Rd and right of way. Ms. Peace stated that UDF was waiting to hear how things went tonight.

Mayor Bell stated that they could tell UDF that the City is waiting on the property acquisitions issues. Mayor Bell stated that there are many issues at hand here, the water line, property acquisition and zoning and they are all related.

Commissioner Murray stated that since his motion died that nobody else wants a gas station.

Commissioner Kuehne stated that he disagreed. He stated that he is for a gas station and he is for a UDF but he wants it done to the DTM-2 guidelines.

Mr. Peace stated that the DTM-2 zone does not work with UDF.

Commissioner Reis stated that Mr. Peace told the Commission that you could not have two story buildings for banks and that he has been in three different cities in the last two weeks that have it right now.

Mr. Peace stated that he has the right as the land owner to ask for a text change and UDF can build there if it is changed to neighborhood commercial which exists in Taylor Mill. He stated that he did not do that because he was trying to maintain the whole DTM concept and all he is asking for is the setback and parking to be changed to allow UDF to go in.

Mr. Peace stated that he doesn't want to go ask for a neighborhood commercial zone as it goes against the City and anything being done to maintain the Districts idea. He wants a new zone with different setbacks and parking requirements.

Commissioner Reis asked if Mr. Peace has had interest from other developers besides UDF for that land.

Mr. Peace said he had turned other gas stations away. Commissioner Reis asked if there were any others besides gas stations. Mr. Peace stated that only gas stations had expressed interest in that corner.

Commissioner Kuehne stated that he is for a UDF or gas station there but he wants it done by the current zoning. He stated that UDF could make modifications but they don't want to.

Mr. Peace stated that if it does not fit the UDF model they will not do it.

Commissioner Murray asked Commissioner Kuehne if he wanted the dumpster on the road. Commissioner Kuehne said that he wanted the building on the road.

Commissioner Murray said that all the light was going to shine into the back of the apartments then. He asked if Commissioner Kuehne thought those people would be happy sitting on their balconies with all the light from the gas station shining onto them. Commissioner Murray stated if

it is turned around then all the lights from the gas station shine out on the road giving better visibility.

Mr. Peace stated that UDF has a model that works and have proved to be a good neighbor in the community. He stated that UDF is the best when it comes to gasoline brands and he wants to bring them to Taylor Mill. He stated that he had turned a Marathon away because he wants UDF.

Ms. Peace stated that Tim Kleem is waiting to hear if we can go ahead and start talking about getting this going because he cannot build with the current zoning. She stated that they are worried that UDF will walk away because of the length of time this is taking.

Mayor Bell seconded Commissioner Murray's motion and called for a vote. Commissioner Murray—Yes, Mayor Bell—Yes, Commissioner Kreimborg—No, Commissioner Kuehne—No, Commissioner Reis—No.

MOTION NOT CARRIED

Mayor Bell stated that he would talk to Representative Kerr tomorrow about the property acquisition.

Mike Blackburn asked to address the commission and stated his address was 707 Forest Lane, Taylor Mill, KY. He stated that it was going to take a long time to develop this area. He stated that the zoning requirements were guidelines and that the Commission needs to be flexible or will close Taylor Mill down for business.

Mayor Bell stated that only time will tell whether the vision of the Commission is right or wrong but that he knows that there are some things coming down the pike in the not so distant future that will surprise residents. He stated that we are in the sixth year of a 25 year plan and no one said this was going to be easy or done in two or three years. He stated that this plan was laid out for a reason. He referenced Long John Silvers that is closed in Latonia. He stated that it will be a Long John Silver's forever and that the building will always be a Long John Silvers. He stated that the City is looking for buildings that can be interchangeable for different types of businesses if necessary and he does not want a piece meal one on one situation.

Mr. Blackburn stated that he feels the Commission should be more flexible in the zoning guidelines and to understand the entire belonging permit process. Mayor Bell thanked Mr. Blackburn for his comments.

REPORTS:

Building and Zoning

Ms. Bailey stated that her report is in the packets submitted and had nothing further.

City Administration

Ms. Bailey stated she wanted to remind the Commission that the City was hosting the Kenton County Mayor's Group on Saturday. She also stated that Administration had been working on our audit and that she anticipated a presentation by the auditing firm in November. She stated that it was her hope to have a new Fire Chief and Asst. City Clerk by the first of November.

Engineering

Mr. Brueggeman stated that he found out that the City's application for MRA emergency funding for the slide repair on Wayman Branch had been approved. He stated that the City was approved for an 80/20 split with the total project expense approximately \$162,000. Mr. Brueggeman stated with those figures, the City would be getting a grant for \$129,900. He said he would be getting started on designing that project and getting it into motion. Ms. Bailey introduced Joe Lacey, an engineer from CDS. Mark Brueggeman stated that it was Mr. Lacey who put together the application together and has been helping out with various projects for the City.

Mayor Bell asked Mr. Brueggemann to comment on the Complete Streets initiative. Mr. Brueggemann stated that he thought it was a great concept and that our current zoning already does a lot to try to achieve those goals. He stated that you have to achieve economic balance with the concepts as well.

Ms. Bailey stated that we were selected as a model for Complete Streets in Northern Kentucky and that speaks volumes about what we are trying to do in terms of making the community more walkable and connected.

Fire

Commissioner Murray stated that it was Chief Halpin's last meeting and that we would be sad to see him go. He stated that there were 20 fire runs for September and 28 ambulance runs. Ambulance billing was \$14,255.00. He asked Chief Halpin to talk about our ISO rating. Chief Halpin stated that the City had an ISO inspection in June and that they are done every 4 to 5 years. He stated that in 2010 Taylor Mill was rated as a 4 to 6. The new rating is now a 3/3x moving Taylor Mill from a 4th class city to a 3rd class city which helps with insurance rates and business developments. He stated that more hydrants and more staffing were primarily responsible for this rating change. Commissioner Murray stated that a blood drive had been set up for October 27th from 1 pm to 7pm. Commissioner Murray stated that the next dance would be October 17th from 7:00 pm to 10:00 pm and would cost \$5.00. He stated that you can get a radon test kit for your home and that more information would be in our next newsletter on these kits. Ms. Bailey thanked Chief Halpin for his work and good result on the ISO inspections.

Maintenance

Commissioner Kuehne stated that Maintenance has been very busy working on the streets doing fill work on Mason road and the slip has been repaired. He stated that work was done on Thornton drive and five city streets were being blacktopped. Marc Roden stated that the streets being blacktopped were not completed yet but that the projects were underway. Mr. Roden also stated

that he will be blacktopping Colonial as soon as the rainy weather allowed. Commissioner Kuehne stated that Maintenance has been getting equipment ready should we have early snow.

Parks & Recreation

Commissioner Kreimborg stated that line dance classes were wrapping up. She stated that the City was in the process of evaluating this year's park fest and to book bands for next year's Park Fest. Commissioner Kreimborg commented that the City will be kicking off its holiday meal bag project in early November and then will be gearing up for Christmas projects like our Santa Visit and tree lighting.

Police

Commissioner Reis stated that Chief Knauf was nominated for outstanding employee of the year at the KLC conference and thanked him for his efforts. He stated that Chief Knauf would talk about a new vehicle report card project. Chief Knauf stated that the vehicle report card was a proactive measure to try to defer theft from vehicles in our city. Chief Knauf stated that police officers while on patrol will inspect cars to make sure they are secure and to see if there are things visible that would attract theft. He commented the officer would leave a slip on the car letting the owner know if their car was deemed secure. Chief Knauf said if your vehicle is locked and items of value stowed out of sight, you have a pretty good chance of avoiding a break in.

Legal Counsel

Mr. Wichmann stated that he had made oral arguments in front of the Board of Tax Appeals regarding the Masonic issue a couple weeks ago but no decision had been rendered.

There being no further business Commissioner Murray made a motion to adjourn. Commissioner Kuehne made a second. All Commissioners present were in favor.

MOTION CARRIED

Meeting adjourned at 9:40 pm.

Daniel L. Bell
Mayor Daniel L. Bell

ATTEST: Angie G. Wright
DATE: 10-25-2014