



City of Taylor Mill

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MEMORANDUM

DATE: July 6, 2018
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 Monday, July 23rd, 2018 at 7:00 p.m. The purpose of the meeting is to hold our regular monthly Commission Meeting that was previously scheduled on Wednesday, July 11th, 2018 and postponed due to scheduling conflicts. The City Commission will address any business that may be brought before them for discussion and/or action. The meeting will be held at the Taylor Mill Municipal Building located at 5225 Taylor Mill Road, Taylor Mill, KY 41015.

For additional information, please contact Daniel L. Bell, Mayor, at 859-581-3234.

Thank you.

Daniel L. Bell, Mayor

Special Commission Meeting

July 23rd, 2018

7:00 p.m.

City of Taylor Mill Agenda

CALL TO ORDER:

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

MINUTES: -Minutes from the June 6th, 2018 Special Commission Meeting.
-Minutes from the June 13th, 2018 Commission Meeting.

GUESTS: -Katherine Ivers of Bramel & Ackley, PSC

LEGISLATION: -**Discussion** of current Animal Ordinance 237 (6-20-06)

UNFINISHED BUSINESS:

- CMC Properties request at The Farm Apartments/PDS
- NKADD CAO Executive Search Process Update
- KYTC Proposal to Exchange Wayman Branch Road (Mason/Buds Way)
- Street Light Requests (5646 Taylor Mill Road, 5652 Taylor Mill Road, Wayman Branch/High Ridge Drive)

NEW BUSINESS:

- Sales Tax Collection Under New Law
- Acceptance of Ms. Wright's Resignation
- NKADD Treasurer Executive Search Proposal
- St. Anthony Tent Request for 140th Anniversary Event 9/29/18

BUILDING & ZONING:

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

SPECIAL ANNOUNCEMENTS:

EXECUTIVE SESSION: 61.810 (1) (f) – Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee.

ADJOURNMENT:

**City of Taylor Mill
SPECIAL COMMISSION MEETING
Monday, July 23, 2018**

CALL TO ORDER:

The meeting was called to order at 7:30 p.m. by Mayor Bell. In attendance were: Mayor Bell, Commissioner Frietch, Commissioner Kreimborg, Commissioner Murray, Commissioner Peace, and City Attorney Frank Wichmann. *(The meeting was called to order at 7:30 p.m. due to a Public Hearing that took place beforehand from 6:30 p.m. to 7:30 p.m.)*

INVOCATION/PLEDGE OF ALLEGIANCE:

Commissioner Frietch led the invocation followed by the Pledge of Allegiance led by Mayor Bell.

GUESTS:

Mayor Bell introduced Ms. Katherine Ivers of Bramel & Ackely, PSC. Mayor Bell stated Treasurer Ms. Wright resigned to take a position in Cincinnati as an assistant to one of the CAOs. Mayor Bell stated Bramel & Ackely has been doing monthly audits all along and he hired Bramel & Ackley who has worked with the City since 2013. Mayor Bell stated Ms. Ivers will be present in the City Office Tuesdays from 9:00 a.m. to 1:00 p.m. and for most of the day on Fridays.

MINUTES:

Commissioner Kreimborg made a motion to accept the minutes from the Special Commission Meeting on June 6, 2018 as submitted. Commissioner Frietch made a second. All Commissioners present were in favor.

MOTION CARRIED

Commissioner Murray made a motion to accept the minutes from the Commission Meeting on June 13, 2018 as submitted. Commissioner Frietch asked for discussion. Commissioner Frietch provided a handout with a few sentences to be inserted to help make sense of the conversation. Mayor Bell asked for the context to be provided before and after the requests made by Commissioner Frietch. Commissioner Peace stated the requests are just insertions and Commissioner Frietch provided timestamps for verification. Commissioner Murray asked to postpone the minutes until next month. Mayor Bell asked Ms. Forsyth to surface the dialogue before and after the requested insertions and provide it to the Commission for approval next month.

LEGISLATION:

Mayor Bell stated a tragic attack occurred in Taylor Mill a week ago by a pit bull on St. Matthews Circle. Mayor Bell stated he received a number of calls regarding a ban on pit bulls.

Mayor Bell stated the City looked into the process several years ago. Mayor Bell stated seven percent (7%) of the dog population in the U.S. are pit bulls and pit bulls are responsible for seventy-seven percent (77%) of vicious bites. Mayor Bell asked if the Commission would like to consider a ban, which would be an amendment to the current ordinance. Commissioner Kreimborg stated pit bull is not a specific breed, it is a mixture of breeds, and that is why the City did a vicious animal ordinance years ago. Mr. Wichmann stated it was a heated debate when the City reviewed the ordinance several years ago. Chief Knauf stated he does not know if the vicious animal ordinance currently in place is good for this type of animal. Commissioner Murray stated some pit bulls are the nicest animals, but once there is an issue, they are not easy to get off of you if they attack. Commissioner Peace stated there is an ordinance in place now and one person's pit bull is not another person's pit bull. Commissioner Peace stated he does not want to ban the breed because of enforcement issues.

Mr. Roger Braden of 3538 Saddlebrook Drive addressed the Commission. Mr. Braden stated he has handled cases concerning vicious dogs, and when a person has been victimized by a vicious dog, a lot of times the owners insurance policy has an excursion that doesn't cover vicious dogs. Mr. Braden stated the innocent person who was attacked by a vicious dog then has no recourse. Mr. Braden suggested the Commission require the homeowner to have insurance to cover such situations.

Mr. Jay Roark of 5214 Keeney Drive addressed the Commission. Mr. Roark stated there was a mailman attacked by a dog on Oakland and it wasn't just a bite on the hand. Mr. Roark stated he is not sure the breed of the dog.

Mr. Ray Mauer of 3193 High Ridge Drive addressed the Commission. Mr. Mauer stated he was in the insurance business and was not allowed to write policies if the family had certain breeds of dogs. Mr. Mauer stated most people don't let the insurance company know there is an issue. Mr. Mauer stated the ordinance reading vicious is good because it doesn't exclude other vicious dogs.

UNFINISHED BUSINESS:

Mr. Andy Videkovich of Planning and Development Services of Kenton County addressed the Commission regarding the request made by CMC Properties at The Farm Apartments. Mr. Videkovich provide copies of his presentation to the Commission. Mr. Videkovich stated the original development was approved by the City in May 2016 and when approved, the approved development plan showed a temporary construction entrance onto Old Taylor Mill Road which was located approximately one hundred and sixty (160) feet away from Pride Parkway. Mr. Videkovich stated in June 2018, staff was informed the Commission approved a minor change to Stage I of the Development Plan and that the temporary access point could be made into a permanent access point to serve the multifamily development. Mr. Videkovich stated staff was then asked to review the amended access point and its compliance with the Taylor Mill Zoning Ordinance. Mr. Videkovich reviewed relevant sections from the Taylor Mill Zoning Ordinance that the change would affect. Mr. Videkovich reviewed the petition and stated staff turned to the transportation engineer on staff to take a look and analyze the effect of the access point onto Old Taylor Mill Road. Mr. Videkovich stated the traffic engineer indicated the proposed

development will generate forty-two (42) new trips in the morning and sixty-one (61) new trips in the afternoon, per hour. Mr. Videkovich stated the traffic engineer also indicated the tract of land has no direct access onto a public right-of-way and the Zoning Ordinance allows for a single access point even if it doesn't meet the three hundred (300) foot spacing requirements of the Zoning Ordinance.

Mr. Videkovich reviewed staffed findings: 1.) the access point is not required to provide auxiliary turn lanes. 2.) The site in question is permitted to have a separate access point onto Old Taylor Mill Road; 3.) The access point can be paved and designed to function like a permanent access point, but it shall technically be considered a temporary access point. Mr. Videkovich reviewed supporting information for staff findings and stated the proposed access point will generate forty-two (42) trips in the morning per hour and sixty-one (61) trips in the p.m. peak hour. Mr. Videkovich stated the volume is below the one hundred (100) vehicle per hour threshold which is used to warrant a traffic impact study to analyze whether or not turn lanes are required. Mr. Videkovich reviewed additional supporting information for staff findings and stated the property does not have any other direct access onto Old Taylor Mill, it is allowed to have one access point, and for the purposes of the Zoning Ordinance, that access point is going to be temporary. Mr. Videkovich stated it still needs to be paved in accordance to the requirements of the Zoning Ordinance, it still needs a permit and checked for storm water and grading. Mr. Videkovich stated the access point is going to always be labeled temporary.

Commissioner Kreimborg stated the biggest concern brought up at the last meeting was the affect it would have on Taylor Creek residents and asked Mr. Videkovich if it would very negatively have an impact on them. Mr. Videkovich stated no and reviewed trips per hour provided by the transportation engineer.

Commissioner Frietch stated there are seventy-two (72) units on the one parcel with the three (3) buildings and asked how staff arrived at generating the forty-two (42) trips in the morning and sixty-one (61) in the afternoon because there are seventy-two (72) one bedroom units and most will highly likely have two (2) adults per unit. Commissioner Frietch stated you can figure one hundred and forty-four (144) people in the units and how did they arrive that there would only be forty-two (42) cars exit out of one hundred and forty-four (144) people. Mr. Videkovich stated the numbers come from the Institute of Traffic Engineers who produce a trip generation manual that looks specifically at land uses and how many trips those land uses will produce based on the size and number of units. Mr. Videkovich stated the numbers produced are a national standard and widely recognized. Commissioner Frietch stated that is her concern on how those averages can be skewed in large broad median in a national book used for areas such as this. Commissioner Frietch stated the internal parking lot roadway is also attached to the other set of apartments with roadway attaching them so herein lies again the forty-two (42) and sixty-one (61) to possibly one hundred forty-four (144) people and the staff finding is only taking into account those three (3) buildings and not any of the other parcel only because of ordinance. Commissioner Frietch expressed concerns with not factoring in the other buildings on the other parcels and the flow of traffic. Mr. Videkovich stated traffic is like water and it tends to flow where there is the least resistance. Mr. Videkovich stated that is where it becomes hard and subjective because they don't know where the point is in the apartment complex where it's going to be easiest for people to exit.

Commissioner Frietch read a letter submitted by Taylor Mill KCPC Representative Matthew Martin stating his opposition of the permanent access point. Mr. Martin's letter stated the request should be denied because of traffic control/safety; PDS staff report only takes into account the smaller parcel with the three (3) buildings and not the total impact it has on the community; and stated access is already available through the existing complex. Mr. Martin's letter stated he supports the Chiefs in having an access road for emergency vehicles only and the Commission should consider blacktopping it with City funds due to Chief Stager's concerns of the ladder trucks sinking in the gravel.

Commissioner Murray stated the Commission was hit with this last month and he was going along with Chief Stager because he is the liaison to the Fire Department. Commissioner Murray stated for safety, he wanted the access for emergency vehicles in case there was a blockage at the other entrance. Commissioner Murray stated he received calls from concerned citizens and there is no way traffic will come out of there from just the seventy-two (72) units and it will make it dicey for the people of Taylor Creek. Commissioner Murray stated it was always supposed to be temporary for emergency vehicles.

Commissioner Kreimborg stated he doesn't see it as an issue either way and if they want to reverse it, it's fine. Commissioner Kreimborg stated he understands what Commissioner Murray is saying.

Commissioner Peace stated if you watch traffic moving coming out of Taylor Creek, it's like a Frogger game coming across the traffic and it would be adding another degree of traffic coming off of Old Taylor Mill Road. Commissioner Peace stated the access was supposed to go through phase two and he agrees it should absolutely be paved for emergency vehicles, but his opinion is it should stay temporary/emergency vehicle only access and come through phase two into phase three as originally proposed.

Mr. Ed Kuehne of 5303 Old Taylor Mill Road addressed the Commission. Mr. Kuehne stated he was on the Commission at the time and they voted against it and to have it as an emergency access. Mr. Kuehne stated his opposition for a permanent access road due to safety.

Ms. Debbie Sager of 3159 McCowan Drive addressed the Commission. Ms. Sager stated she spoke to numerous people in her subdivision and she appreciates the Commission seeing what an issue this is. Ms. Sager stated her opposition for a permanent access road due to safety and traffic concerns. Ms. Sager stated she agrees with Commissioner Frietch's comments.

Mr. Videkovich stated this was not a plan produced, presented or drafted by PDS. Mr. Videkovich stated it was a plan that was presented and developed by the applicant or developer and presented to the City Commission. Mr. Videkovich stated staff did not have any role in saying the access point was a minor or major change to the approved development plan and the decision of it being a minor change was made by the City Commission last month. Mr. Videkovich stated staff was asked afterwards to look at the access point and whether or not it would operate in a safe or efficient manner. Mr. Videkovich stated the report is based upon the fact that the access point was approved and if it would have an adverse effect on the safety of the roadway. Commissioner Peace stated a couple Commissioners voted against it and the argument

was proper procedure was not followed and it was not taken to PDS ahead of time and that is why PDS got it after the fact.

Mr. Scott Smith of 6185 Maple Ridge Drive addressed the Commission. Mr. Smith stated in the ordinance, section seventeen (17), it states the zoning administrator review of the site plan may authorize minor adjustments from the approved development plan if the adjustments do not effect the spatial relationship of structures, change land uses, increase overall density, or alter circulation patterns, vehicular or pedestrian, decrease the amount and/or usability of open space of recreation areas or effect other applicable requirements of the ordinance. Mr. Smith stated it isn't allowed given the ordinance.

Mayor Bell stated he took the plan to Rob Himes and Justin Cole of PDS and showed it to them and that is where he got the issue of it being a minor change, however, once the Commission expressed otherwise, he turned it over for a full recommendation.

Mr. Jim Cohen of CMC Properties addressed the Commission. Mr. Cohen stated the reason for the change is because the grade coming out onto Old Taylor Mill Road. Mr. Cohen stated the temporary construction road is much less steep than they originally thought it was when they designed the project. Mr. Cohen stated it is very likely phase two and the other folks will exit at the traffic light, however, with the number of apartments, they would like to have an overflow due to anything that might block the exit. Mr. Cohen stated he was not aware of a traffic problem. Mr. Cohen reviewed stated the simple solution is for the City to post a sign that says "No Right Turn 6:00 a.m. - 10:00 a.m.". Mr. Cohen stated he hopes the City will follow staff's recommendations.

Ms. Sager stated Taylor Creek residents go places in the evening, not just in the morning. Ms. Sager stated they sit upwards of ten (10) minutes trying to get out. Ms. Sager asked why Mr. Cohen thinks the residents wouldn't take the easy way out and use the access road. Ms. Sager stated residents asked for a traffic light. Ms. Sager expressed opposition for the access road.

Ms. Caroline Braden of 3538 Saddlebrook Drive addressed the Commission. Ms. Braden stated her children live in the area and understands what Ms. Sager is saying. Ms. Braden stated no one does forty-five (45) miles per hour on Pride Parkway. Ms. Braden expressed additional concerns and opposition for the access road.

Mr. Cohen stated he understand Ms. Sager and Ms. Braden and his goal is to create a relief if something happens to bottleneck the traffic. Mr. Cohen stated from a safety standpoint he would like a second means of egress.

Ms. Donna Flynn of 3162 McCowan Drive addressed the Commission. Ms. Flynn stated people in the subdivision do not follow the stop signs. Ms. Flynn stated if they had a stop light, everyone would be happy. Commissioner Murray stated they would love to have a stop light but the state will not allow it as it is a limited access road. Mayor Bell stated he does not have a problem trying to get a traffic light there in the meantime.

Commissioner Kreimborg stated he voted for it last month and since then has spoken to residents and feels like safety is more of an issue than the number of cars coming out of there. Commissioner Kreimborg suggested going back from last month and vote on not doing it now for the safety of the residents. Commissioner Murray stated he is the same way and was rushed last month. Commissioner Murray stated there needs to be a separate entrance for emergency vehicles. Commissioner Frietch stated she is going to remain consistent. Commissioner Frietch stated she voted against it last month and it is how she feels still. Commissioner Frietch requested if an item like this comes up on the agenda again, the Commission receive additional notice besides when the agenda comes to them a few days before the meeting so there is more time for the Commission to look at the background and ordinances involved. Commissioner Kreimborg stated he agrees and they are influx right now with not having a City Administrator and Mayor Bell doing the best he can. Commissioner Frietch stated she is not talking about now.

Commissioner Peace made a motion to rescind the vote at the previous meeting and deny the application. Commissioner Murray made a second. The Clerk called the role.

Commissioner Peace – Yes
Commissioner Murray – Yes
Mayor Bell – Yes
Commissioner Frietch – Yes
Commissioner Kreimborg – Yes

MOTION CARRIED

Mayor Bell stated applications have been received for the CAO position and have been put into three (3) tiers. Mayor Bell stated interview dates will be set up. The Commission decided to not hold an Executive Session and coordinate with NKADD via email regarding interview schedules.

Mayor Bell stated Mason Road has been paved however the state refused to do Buds Way. Mr. Seitzinger stated the paving was completed on Mason for reasons separate from this issue of the potential swap. Mr. Seitzinger stated the reason for the swap comes somewhat from Covington who is wanting to swap away Wayman Branch, and as part of that, the state is not interested in just taking the Covington portion; they wanted the entire thing. Commissioner Kreimborg asked Mr. Seitzinger his opinion on the condition of Mason Road. Mr. Seitzinger stated on the state's portion, they resurfaced their section and took care of some bad spots along the pavement. Mr. Seitzinger stated the current pavement is in decent shape and is in acceptable condition. Mr. Seitzinger stated on the state owned portion of Mason, the concern is rocks coming down from up above and it is set up with concrete barriers. Mr. Seitzinger stated maintenance will be needed and the rock will need cleared out from time to time. Mr. Roden stated he helped the state two (2) years ago. The Commission discussed road conditions and the potential swap. Mayor Bells stated the state requires him to sign a resolution regarding the swap. Commissioner Peace said to sign it.

Commissioner Kreimborg made a motion to approve the exchange of Wayman Branch Road for the state owned portion of Mason Road and Buds Way. Commissioner Murray made a second. The Clerk called the role.

Mayor Bell stated prior to former CAO Bailey's departure, she submitted resident street light requests to Duke Energy including 5646 Taylor Mill Road, 5652 Taylor Mill Road, and Wayman Branch/High Ridge Drive. Commissioner Peace stated the one by Mafred on Taylor Mill Road was one light when it started and now it's two (2), and there is one at the intersection of that connector where Taylor Mill wraps around the funeral home. Commissioner Peace stated that intersection is pretty well lit from just the funeral home but it is still dark on the connector getting over to Mafred and very dark on Wayman/High Ridge. Commissioner Peace stated the original conversation was to go with solar LED lights and is wondering if you go to the 5646 and 5652 Taylor Mill Road, the right-of-way would be City, and if you put a solar light there as a test, and do another, but different, solar unit at the Wayman/High Ridge. Commissioner Peace stated it is two (2) opportunities to test solar lighting and gather data. Mayor Bell stated they have four (4) poles. The Commission continued discussions on solar lights and trying different models of lights and wattage. Commissioner Frietch stated she thought the solar would have been tested before they got to this point.

Commissioner Peace made a motion not to put up any Duke Energy lights and to purchase three (3) solar lights to put at various locations in the City. Commissioner Frietch made a second. The Clerk called the role.

Commissioner Peace – Yes
Commissioner Frietch – Yes
Mayor Bell – Yes
Commissioner Kreimborg – Yes
Commissioner Murray – Yes

MOTION CARRIED

NEW BUSINESS:

Ms. Forsyth reviewed the sales tax collection under the new law and shelter rentals will be taxed, but not the community house because it is considered real property. Ms. Forsyth stated memberships and anything educational will not be taxed. Ms. Forsyth stated entertainment will be taxed.

Mayor Bell stated Ms. Wright resigned and he wants to use NKADD to replace her. Mayor Bell stated the cost is eighteen hundred dollars (\$1,800.00) for the employment search.

Commissioner Kreimborg made a motion to direct Mayor Bell to sign the contact with NKADD for eighteen hundred dollars (\$1,800.00) for the employment search of the Treasurer position. Commissioner Peace made a second. The Clerk called the role.

Commissioner Murray – Yes
Commissioner Peace – Yes
Mayor Bell – Yes
Commissioner Frietch – Yes
Commissioner Kreimborg – Yes

MOTION CARRIED

Chief Stager stated he is working with FEMA and found out there is an endangered muscle and snail in the Banklick Creek. Chief Stager stated hopefully the concrete barrier put up is okay because of it. Chief Stager welcomed Tina Hacker, a new volunteer to the department. Chief Stager welcomed home volunteer Kirk Laytart who is back from deployment. Chief Stager reviewed additional fire safety tips.

-LEGAL: No Report.

-MAINTENANCE: Commissioner Peace thanked Mr. Roden for his work on Taylor Creek and Saddlebrook. Mr. Roden stated they finished Manor Drive and they are on Saddlebrook now replacing concrete. Mr. Roden stated they put speed limit signs up. Mr. Roden wished Ms. Wright the best of luck in Cincinnati.

-PARKS AND RECREATION: Commissioner Frietch stated Ms. Forsyth is doing a good job with Tasty Tuesdays and has other dates selected for future events. Ms. Forsyth stated Jayne's Funnel Cakes is the vendor for Tasty Tuesday tomorrow. Ms. Forsyth reviewed the remaining Tasty Tuesday vendors. Ms. Forsyth stated a movie in the park will take place soon. Ms. Forsyth stated the City-Wide Yard Sale is August 31st and September 1st. Ms. Forsyth stated the tentative date for the Scott High School Homecoming Parade is September 21st. Ms. Forsyth stated the Family Campout is October 6th, the Tree Lighting is November 25th, the Letters For Santa Mailbox will be available after the Tree Lighting, and Santa's Neighborhood Visit is December 8th.

-POLICE: Commissioner Kreimborg stated he viewed the officer's body cam from the dog attack and the police officers did a fantastic job. Chief Knauf stated it was a horrific attack and Officer Vollet and Sgt. Harris had to break through a fence where the dog was still attacking the owner. Chief Knauf stated the dog charged Sgt. Harris and he was able to put the dog down in two (2) shots. Chief Knauf stated he is going to nominate Sgt. Cyrus Harris for Officer of the Year.

SPECIAL ANNOUNCEMENTS: No Special Announcements.

EXECUTIVE SESSION:

ADJOURNMENT:

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

MOTION CARRIED

The meeting adjourned at 9:41 p.m.

The next Commission Meeting will be Wednesday, August 8, 2018 at 7:00 pm.

 Daniel L Bell

Mayor Daniel L Bell

ATTEST: Kera Foyth DATE: 8/13/18