

**CITY OF SOUTHGATE
COUNCIL MEETING MINUTES
August 19, 2020
Community Center
301 W. Walnut St. Southgate, KY**

Call to Order: Mayor Hamberg called the meeting to order at 6:30 pm.

The following answered roll call: Council Members Anderson, Hayley, Homandberg, Melville, Robisch, and Speier were present. Also present: City Clerk Barton, Police Chief Christmann, Public Works Foreman Bowman, Fire Chief Beatsch and City Attorney Stewart. Finance Director/Treasurer Hudson was absent.

Public Comments: Attorney for Respect the Dead group, Steve Megerle stated his formal objection to the format of the hearing tonight. He stated a trial like hearing would be appropriate versus an argument style hearing. Attorney for Ashley Development, Sarah Houseman stated that she disagreed with Mr. Megerle's objection. She said that no person's rights were violated and that proper procedure was followed for the Campbell County Municipal Planning & Zoning public hearing on July 14, 2020. City Attorney, Stewart stated her opinion that requirements were met and asked Council if they wished to proceed with the argument style hearing tonight.

There was a motion to proceed with the argument style hearing. Motion/Second: Robisch/Hayley. Approved by roll call vote: Aye 6 Nay 0.

The first speaker was Gene Blanchet. He lived in Southgate for 48 years and served on the Southgate Fire Department for many years. He said the property has been vacant for 43 years. He said the memorial should be at the bottom of the hill for all to see.

Southgate Fire Chief Beatsch responded to the statements made in a flyer distributed to residents of Southgate by Respect the Dead group. He said that the Fire Department can adequately provide fire service to the City. He said that the Southgate Fire Department is a member of the Northern KY Fire Fighters Association (NKFFA).

Assistant Fire Chief Steve Rath spoke next. He said that NKFFA members assist other fire departments in the area when needed. Neighboring fire departments have aerial trucks to assist other departments. Southgate Fire Department has assisted in 65 calls and has received assistance from other department on 23 occasions. Vehicles and equipment owned by the Fire Department are sufficient to meet current needs. This past year the City of Southgate increased the budget to the Fire Department with respect to equipment. The Department has set monies aside for the past few years in anticipation of the purchase of a new fire truck to replace the '96 pumper (truck). It has not been determined whether it will be a ladder truck or an aerial.

Assistant Fire Chief Greg Muench said that the Fire Department will compare the types of equipment and decide which type of truck to purchase. Fire Departments for the cities of Wilder, Ft. Thomas and Newport can assist Southgate if needed. The Fire Department is a separate entity from the City of Southgate. It contracts with the City to provide fire protection and emergency medical services (EMS). The Fire Department contract with the City brings in about 85% of the revenue collected for the budget. The rest comes from fundraising.

Assistant Fire Chief Jeff Rickels said the Fire Department has not asked Ashley Development for any monies to purchase a new fire truck. The multi-family apartments and assisted living units will have sprinklers per building codes. The Fire Department will be fully prepared to provide fire and EMS services.

The next person to speak was Chip Hunter who said the 75+ acres to be developed is valuable land in Campbell County. He said that the proposed development is the best use of the land as opposed to a big box development.

Tom McConaughy said the Respect the Dead group wants a proper memorial to be built. Families of the victims want access to the memorial. Members of the group want to know if any body parts are still on the fire site at the top of the hill. He asked that the feelings, wishes and rights of the family members be respected.

Robin Thornhill said she is not against the development, but wants the memorial at the top of the hill. She doesn't want anything to be built on the Cabaret Room area. She said she that ashes of victims are there.

Brian Lee said he wants to have full access to the memorial at the top of the hill with a fountain. He said an archaeological study should be conducted. He said that when dirt is turned at the former Cabaret Room area there may be personal effects.

Tammy Nolan said she started the group Respect the Dead. She said the memorial should be at the top of the hill and that the public have full access. She said that The Respect the Dead group should be included in meetings with Ashley so that they may be heard as opposed to only one group of survivors being heard. She asked that the survivors at the council meeting tonight who lost loved ones to the fire to stand and asked that Council look at them and see their pain.

Tracy Beckelmeyer said she didn't lose anyone in the fire, but knows their pain. She said she wants closure for the loved ones with placement of the memorial at the top of the hill.

Jill Wiltberger said she knows people affected by the fire. Those who died should be remembered and honored. She said she doesn't want anything built on hallowed ground.

Kim Drahn said she is not against the development on the hill, but wants Council to consider putting the memorial on the hill with a fountain in the area where victims died.

Darla McCollister said it was her wedding day when the fire occurred. She said she doesn't want to have to ask a Homeowners Association (HOA) permission in order to visit the memorial at the top of the hill if the park would not be open to the public. She said she wants the Respect the Dead group to be heard.

Ron Blanchet, former Mayor and Assistant Fire Chief of Southgate said the memorial should be placed on the hill. Southgate is landlocked and this development is the future of Southgate.

Grant Girard said the traffic on Blossom Ln. is congested. He asked if a traffic study could be done. He is concerned that the trees will be cut down when building the development. He wants to get a pickle ball court in Southgate.

James Druhman spoke on his uncle's behalf. He said loved ones of the victims should be able to visit the memorial. He said that the land is sacred burial ground of those who lost their lives the night of the fire.

David Brock said he has fought for a memorial for 43 years. He worked at the Supper Club the night of the fire. He wrote a book about the fire. He said that all the people were accounted for after the fire. He said he met with Ashley Builders about the memorial and asked them not to build on the Cabaret Room where the park will be located. He supports the development and said it will be good for the City. He said he does not object to placing the memorial at the bottom of the hill.

Ken Paul was Southgate Mayor at the time of the Beverly Hills Supper Club fire. He said that there were 4,000 people at the club that night. 165 people perished. He said the Fire Department did a good job that night. This development is the best project to come along for this land. He commended Mayor and Council for bringing this development to the City.

Jim Herman said he was a Southgate fire fighter since 1975 and has roots in the City. He supports the zone change and is in favor of the development.

Howard Bittner has lived in Southgate off of Blossom Lane for 54 years. He said he understood that families want to visit the place where their loved ones died, but that the memorial doesn't have to be at the top of the hill.

Theresa Greer said she is not opposed to the development, but wants access to the memorial at the top of the hill where her parents died.

Leslie Henry said her mother was a waitress at the Beverly Hills Supper Club on the night of the fire. She doesn't want to stop the development, but she doesn't want anything built on the Cabaret Room area. She said she wants access to the memorial at the top of the hill. She said that the burial ground area be respected.

Matt Creed said he is a member of the Southgate Fire Department. He said the development is a good project. The memorial should be at the bottom of the hill to be seen by those who pass by on US 27. The site needs to be developed to bring tax dollars to the City.

Madeline Blevins said that she attended the Campbell Co. Planning & Zoning Commission public hearing on July 14. She said Ashley Development is not doing a service to the community by allowing the development to contain a private park managed by an HOA if they won't allow the public to visit the site at the top of the hill.

Elizabeth Blevins said there is a traffic problem on Blossom Ln. A stop light is needed. A three-way stop will pose a problem with the blind site from the hill. She said that Ashley Developers should make the park open to the public at the top of the hill.

Marc Muench said he was a firefighter at the time of the fire. He said he is glad to see new life being brought to the site. The memorial at the bottom of the hill on US 27 will be highly visible and accessible to the public.

Rick Weissmann said he was a paramedic who worked during the Supper Club fire. He said that the memorial should be at the top of the hill where the people died.

Bob Heil said no one tonight has objected to the zone change. He said Ashley Builders are a reputable and local quality builder. As a result of the Beverly Hill Supper Club fire, new laws and safety codes were enacted which impact building codes administered today. He said it is not important where the memorial is located, but rather the changes that came about because of the fire.

Attorney for Respect the Dead group, Steve Megerle, submitted a packet of information and asked that it be given to Council. Ms. Stewart said that Council cannot receive new evidence in an argument style hearing. Some information in the handout was not in the Planning & Zoning administrative record. There was an objection by Ashley Developers attorney Sarah Houseman.

Mr. Megerle said he would like the information entered into the record. He said that his clients do not object to the zone change or development, but would ask for conditions be placed on the development agreement and a supplement be made to the ordinance.

- The memorial be located at the top of the hill. The place where the Cabaret Room was located will be a park/green space open to the public.
- The Respect the Dead LLC, Ashley Development, and the City will agree to commit to \$50,000 each for the memorial fountain on the site with reasonable access to it.
- Require an archeological study be done in the area where the Cabaret Room was located.
- Partnership with Ashley Developers and Southgate Fire Department to help pay for a ladder truck which is needed for the development.
- Respect the Dead be named as a third party in the development agreement.

Attorney for Ashley Commercial Group, Sarah Houseman said that no other development for this land has come before Council that was feasible. She said Ashley Development met with residents, community groups, and family members and survivors from the fire. Two open meetings with City Council have been held. A Planning & Zoning public hearing was held at which time the commissioners unanimously voted to approve the zone change. Ms. Houseman asked that her emailed letter of August 11th to Steve Megerle be submitted as part of the record. She said that the offer in the letter still stands. Ashley has agreed to build a memorial. They have met all of the requirements of the Planning & Zoning Comprehensive Plan. She said that Ashley will meet all building and fire codes with respect to this development. She said that this development is the best use of the property and requested Council to move forward with the zone change tonight.

There was a motion to close the public comments of the argument style hearing. Motion/Second: Speier/Homandberg. Approved by roll call vote: Aye 6 Nay 0.

There was a motion to accept the administrative record and recommendation of the Campbell Co. Planning and Zoning Commission for the zone change of the property at US 27 and Blossom Ln. Motion/Second: Anderson/Robisch. Approved by roll call vote: Aye 6 Nay 0. Mr. Anderson said that in support of the motion, he made the following factual findings:

- **I agree with and adopt in full the factual findings and conclusions of the Planning Commission from the public hearing on July 14, 2020 and the minutes of the hearing in the administrative record.**
- **Based on the argument made tonight, I also add the following factual findings in support of the zone change:**

- Ashley Development has agreed as part of the zone change, that if any human remains are found during construction, all work will cease in the area until those remains can be properly interred in accordance with state laws.
- Ashley has also agreed to continue to work collaboratively with community members on the design of the memorial at the base of the hill.
- Developer agrees to grant public access to the HOA common greenspace and park through a license that will allow members of the public, in particular, family members of the deceased, survivors, and first responders to go to the site of the marker on occasions, including, the anniversary of the Beverly Hills Supper Club fire.
- This zone change is in the best interest of the community. The memorial proposed by Ashley is respectful and honors those who died in the fire, as well as those who responded and helped the survivors. Some would prefer that the memorial be located up on the hill, which the location will not be as open and accessible to the public as it is at the proposed location by Ashley.
- The residential component of the development compliments existing adjacent residential properties and achieves the Comprehensive Plan's goal to foster a neighborhood community with mixed densities.

There was a motion to close the argument style hearing. Motion/Second: Hayley/Anderson. Approved by roll call vote: Aye 6 Nay 0.

Second reading of Ordinance 20-07 Amend official zoning map for the City of Southgate for approximately 78 acres from Professional Office zone (PO) to Residential One E (R-1E) with a residential cluster development (RCD) for property located along US 27 in Southgate. Motion to Approve recommendation of Campbell County Planning & Zoning Commission to grant the zone change on the basis that the existing zone is no longer appropriate for the parcels and the proposed development is consistent with the current version of the Comprehensive Plan, and the development as proposed is in the best interest of the Southgate community.

Motion/Second: Anderson/Melville. Approved by roll call vote: Aye 6 Nay 0.

Second reading of Ordinance 20-08 Enact Section 91.13 of Chapter 91 of the City of Southgate Code of Ordinance Permitting and Regulating the Keeping of Miniature Goats as Household Pets. Motion/Second: Speier/Homandberg. Approved by roll call vote: Aye 4 Nay 2.

Order 20-10 Appoint Peter Schuster to Park & Tree Board was read.

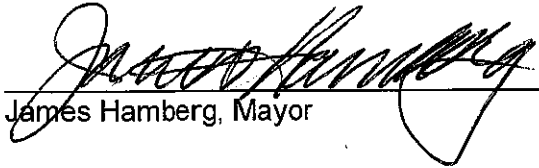
Resolution 20-067 Authorize Mayor to Sign TAN loan documents with Wesbanco. Motion/Second: Robisch/Speier. Approved by roll call vote: Aye 6 Nay 0.

Proclamation for National Payroll Week (Sept. 7-11, 2020) was read.

Approval of regular meeting minutes 8/5/2020. Motion/Second: Homandberg/Anderson. Approved by roll call vote: Aye 6 Nay 0.

Motion to suspend the agenda up to Remarks on the vouchers: Motion/Second: Robisch/Anderson. Approved by voice vote: Aye 6 Nay 0.

Payment of Vouchers: Check vouchers #29725-29767 were presented for Council's review.


James Hamberg, Mayor

ATTEST: Brandi Barton
Brandi Barton, City Clerk