

**CITY OF FORT MITCHELL, KENTUCKY
CITY COUNCIL MEETING
May 18, 2009 – 7:00 p.m.**

CALL TO ORDER / OATH OF OFFICE / PLEDGE OF ALLEGIANCE / ROLL CALL

Mayor Holocher called the meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

PRESENT: Vicki Boerger, Mary Burns, Bill Reis, David Schrand, David Stoeckle, Will Terwort, and Christopher Wiest **Absent:** Dennis Zahler **Others Present:** Mayor Thomas Holocher, Police Chief/CAO Steve Hensley, City Attorney Robert Ziegler, Fire Chief Scott McVey, Asst. Chief Dave Jansing, Public Works Director Robert Zerhusen, Sgt. Tom Loos, and City Clerk Amy Able.

APPROVAL OF AGENDA AND MINUTES

Mr. Terwort asked to add Resolution 2009-12 to the agenda. Mr. Stoeckle asked to add an Executive Session to the agenda as allowable under KRS 61.810(1)(f) to discuss a personnel matter. **Mrs. Boerger made a motion to approve the revised agenda, Mr. Schrand offered a second to the motion; Mayor Holocher called for a vote and the motion carried by voice vote.**

Mr. Stoeckle made a motion to approve the minutes of the May 4, 2009 meeting, Mrs. Boerger offered the second; Mayor Holocher called for a vote and the motion carried by voice vote.

Mr. Stoeckle made a motion to approve the minutes of the May 11, 2009 special meeting, Mr. Schrand offered the second; Mayor Holocher called for a vote and the motion carried by voice vote.

MAYOR'S REPORT

There were no citizens present responding to the Mayor's invitation to address Council.

Mayor Holocher recognized **Recreation Director Kim Stoll who reviewed the spring recreation program.** The addition of Laser Tag was a huge success and included participation from adults and teens. The always popular Easter egg hunt saw a record number of participants. The City has a dozen babysitters newly certified after completing the Red Cross course. Phil Dalton presented a magic show to a full audience. The spring activities calendar is smaller as families are busy at the end of the school year. The summer schedule has been published in the Fort Mitchell Focus newsletter mailed to residents and is on the website. Registration for summer programs will be held next week. Mrs. Stoll invited any questions from Council. Mr. Terwort asked about reducing administrative costs. Mrs. Stoll noted she uses volunteers (students) needing community service hours for certain events but to ensure successful programs she doesn't use volunteer instructors for all the programs. Mr. Terwort asked about charging for participation to recoup 25 – 40 % of the cost. Mrs. Stoll explained for activities where limiting the number of participants is necessary there may be small fees to reduce no-shows or to cover supplies but the programs are funded through the tax dollar so she generally does not charge. She noted she stays within the set budget and tries to plan activities at no extra cost to citizens. Mr. Terwort asked about background checks. Mrs. Stoll explained the majority of the instructors and volunteers are people she knows personally and many she has used for years including teenagers (as Ms. Burns noted many who once participated and come back to assist year after year), teachers and coaches (who are already screened through their employment). Mr. Terwort asked if Mrs. Stoll evaluates the (popularity of the) programs and she confirmed this. Mr. Wiest thanked Mrs. Stoll for the written reports which are good updates and asked if the numbers reflected the numbers registered or participating. Mrs. Stoll explained many activities are arranged at a flat fee and no pre-registration may be required so those numbers are actual or estimated attendance. Mr. Terwort asked about combining programs with other cities and Mayor Holocher noted this was reviewed in the past and it was found that most of our events are well enough attended by our own residents. Mr. Stoeckle thanked Mrs. Stoll for doing a great job with the fantastic programs which are well attended. Mrs. Stoll noted other cities have asked how we get so many volleyball teams participating and one reason is we do not charge while other cities do. Chief Hensley asked if there was an increase in participation since the downturn in the economy. Mrs. Stoll noted the trend is that numbers are increasing and while there were record numbers at the Easter egg hunt this may have also been due to the exceptionally good weather.

Mayor Holocher noted there will be a **Memorial Day Service** at Highland Cemetery at 10:00 a.m.

The **Municipal Government League** of Northern Kentucky will meet on May 21 at 6:00 p.m. at the Independence Senior Center.

Mayor Holocher reported attending a **legislative meeting** last Friday with the **KLC Board of Directors**.

- **CERS contributions** were discussed with the main concern being where the rates to fund retirement are going. One projection for 2018 shows contribution rates for hazardous at 48.5% and non-hazardous at almost 23%. These could go higher depending on investments.
- **Additional revenue options** for cities were also discussed. One was a hospitality surcharge another was revenue sharing with the state (on some sort of sales tax.) After Base Court Revenues and Telecommunications shortfalls, the Mayor noted his hesitance to engage in revenue sharing with the State. A 1% sales tax and the possibility of a restaurant tax were discussed. Regarding the telecommunications franchise, there is an ongoing attempt to get the two million dollar shortfall from the State. This could be a negotiable item if other revenue options are allowed.
- On **expanded gaming** they are waiting for any possible bill to be introduced from Speaker Stumbo.
- Presently county officials who attend training can get an additional \$3,500 in pay. There was a suggestion of a similar incentive amount for city officials such as \$400 for those attending 40 hours of voluntary training.
- Regarding **9-1-1 funding**, the number of land lines is decreasing causing fees to increase. There is a proposal to use a fee on electric or water meters. Some utilities charge for collecting such fees, the telephone company currently charges 10%. No legislation has been proposed yet, these have just been ideas discussed. Mr. Stoeckle asked about taxing cell phones and Mayor Holocher stated there are logistical problems with so many providers and the mobility of the phones.

CITY ATTORNEY'S REPORT

Mr. Ziegler read **Municipal Order 2009-5 reappointing George Deitmaring and Doug Hill to the Board of Adjustment. Mr. Stoeckle made a motion to approve Municipal Order 2009-05, second to the motion was offered by Mr. Wiest.** The Mayor called for any questions or comments and upon hearing that there were none called for a vote, the **motion carried by voice vote.**

Mr. Ziegler read **Municipal Order 2009-6 reappointing Derick Harper to the Code Enforcement Board. Mr. Wiest made a motion to approve Municipal Order 2009-6, second to the motion was offered by Mr. Terwort.** The Mayor called for any questions or comments and upon hearing that there were none called for a vote, the **motion carried by voice vote.**

Mayor Holocher invited Mr. Terwort to talk about **Resolution 2009-12.** Mr. Terwort stated he drafted a resolution to oppose a local restaurant tax pushed by the KLC. He stated as a citizen and Council Member he does not support this, saying it is not appropriate to tax our small businesses. He said he does not support a tax on our restaurants and a one or two percent sales tax on a restaurant or dinner is not appropriate and not in the best interest of tax payers. Mayor Holocher explained this would not be a tax on the businesses but a "pass through" paid by the consumer. Mr. Terwort stated this would affect the restaurant and the number of people attending, making Fort Mitchell uncompetitive with Ohio and Indiana. **So** it is a detriment. The Mayor said at 1% his view is if a restaurant bill totaled \$100 an extra \$1 would not affect most people's decision to dine out. The Mayor added many people from outside of a city patronize its restaurants thereby helping the city meaning you don't have to tax residents through higher payroll or insurance premium rates. For example Covington brings many conventions with out-of-towners using area restaurants; in other states with convention centers the bill may be 30% higher but this is being paid by the people using it. Mr. Terwort stated people want tax relief and businesses already have a gross receipts tax, property tax, and an insurance tax; though paid by the user this will have a negative affect on businesses. Mr. Wiest observed all taxes could be considered "pass through" items and must be made up somehow (by increasing prices) but it is possible that prospective businesses would choose to locate elsewhere because of such a tax. Mr. Wiest agreed for the average consumer it may not be a big deal but with thin margins it could cause a drop off in business. Mayor Holocher explained that legislation for allowing local restaurant taxes has not even been proposed yet; the people who would choose to impose it or not would be this Council. It would not be a mandatory tax,

simply an option for cities. He added with rising retirement costs (\$440,000 into CERS this year, in 2018 it may be one million) it is good to have options of how to fund the services. Mr. Wiest said it is different to single out restaurants rather than having a general sales tax. Mr. Terwort stated we are paying KLC dues to promote an agenda he doesn't agree with and the people need tax relief. Mr. Wiest said we must fund police, fire, EMS, and roads; we have parks and recreation that are second to none and all of these things must be provided for. Mr. Wiest said he would not be opposed if we needed a general sales tax but he is not in favor of singling out restaurants already dealing with very thin margins. Mr. Ziegler read **Resolution 2009-12** regarding opposing a restaurant tax. **Mr. Terwort made a motion to pass Resolution 2009-12, Ms. Burns offered a second to the motion.** Mr. Stoeckle asked about the newspaper article which stated under Kentucky law, local restaurant tax is currently only allowed in smaller cities and the KLC has lobbied to get this expanded; he asked if this is for certain city classes. Mayor Holocher responded yes, it is based on size; it would mainly be for fourth class cities but we couldn't have it anyway because currently any hospitality taxes go to the Convention and Visitors Bureau. Mr. Stoeckle asked for clarification that this would have to be passed on a state level first and then could be adopted by cities and this was confirmed. Mayor Holocher called for any other questions or comments and upon hearing none called for a roll call vote.

Mr. Terwort:	Yes	Mr. Schrand:	No
Ms. Burns:	Yes	Mr. Stoeckle:	No
Mrs. Boerger:	No	Mr. Wiest:	Yes
Mr. Reis:	No		

Ayes: 3 Nays: 4 Absent: 1
Motion defeated.

CITY ADMINISTRATOR'S REPORT

Chief Hensley reported he met with our representative from Sherrill Morgan Agency regarding the **insurance renewal**, a 15% increase had been budgeted, the quotes were favorable and after negotiation the increase will be only 7%. We are reviewing other options to reduce costs including a Health Reimbursement Account (HRA). It may be possible to increase deductibles and still cover the deductibles with the money saved in premiums.

At the last meeting there was a question about an **emergency notification system**. We currently have the ability to contact residents via email if they sign up for updates through our website. We do not have access to any telephonic alert system currently except in under certain circumstances (lost children or through Homeland Security but with strict restrictions). The City wrote a letter of support this week for a grant application by Erlanger's Dispatch Center for a telephonic notification system that could be utilized to reach an area, one city, or the entire county. Another system (Nixle) is being reviewed by Kenton County, it will send a text message to a cell phone but again residents must sign up and it will not send recorded messages. If Erlanger is successful in obtaining the grant it would benefit all the cities using them for dispatch service.

We are moving forward to finalize the **trash collection agreement** which will freeze the rates for the fourth and fifth year of the contract. The first year this will result in a \$48,000 savings and an additional near \$24,000 will be saved in the second year for a total savings of near \$73,000.

The Police Department began participating today in the "**Click it or Ticket**" campaign to increase awareness and usage of seat belts. The hope is to raise the percentage of usage from 73% to 77% by June of 2009. A small grant was received to fund enforcement.

We have received confirmation of **FEMA funds** (\$39,350) for damage from the wind storm last fall. We are working to finalize the agreement for FEMA funds for damage from the ice storm earlier this year.

Mr. Terwort asked about morning traffic on I-75 with cars exiting at Buttermilk Pike, crossing over and getting on the interstate using this as a by-pass. Chief Hensley said the Police Department does receive complaints about this occasionally and can issue citations but without constant monitoring it is unlikely this could be eliminated.

Mr. Wiest noted an article about a delivery person at Remke observing a **break-in attempt** at Fort Mitchell Drug Shoppe and offered praise to the individual reporting the incident and the officers for a quick response. Sgt. Loos added it is important to point out Fort Wright had a similar break-in immediately before or after this one; it is not viewed as an isolated incident and we anticipate the possibility of more business burglaries. Everyone is encouraged to be vigilant to the businesses as well as your own neighbors.

Mr. Zerhusen was called upon to give a **road report**. The **Lawrence Drive** project began on May 5, grading for blacktop will go in tomorrow with the hope to re-open it this week; restoration will follow and we will have the final course down early next week. Len Reigler Blacktop has done a good job and the residents have been very cooperative. That project should wrap up just in time for Oxford Drive and the Dixie Highway sidewalk projects to begin. The bids for the **Dixie Highway Sidewalk Project** were opened and ranged from \$96,000 to \$137,000 with JPS Construction being the apparent low bidder. We will meet with the business owners and hope to start the first week of June. On **Oxford** the gas company is finishing up a few things and we are waiting for a schedule from the Water District. Bid results will be available at the next meeting. Mayor Holocher noted he received calls from residents thanking the City for the restoration work done on **Ross Avenue**. Mr. Zerhusen attended a pre-construction meeting at **Beechwood School**, they plan to start on the new parking lot right after school lets out, and they have a tentative June 2 start date. The contractor, Paul Michels and Sons, who knows our protocol, was reminded about tracking mud on the road, etc.

Mr. Wiest asked when the **Kroger project** is expected to kick off. Chief Hensley noted there is an upcoming meeting in Frankfort to discuss the remaining obstacles, there is now a target start date of January. Mr. Wiest asked if it would be possible to request a delay until school lets out due to traffic with school drop offs, etc. Chief Hensley stated given the many delays already encountered it was likely they may want to use that period for demolition to be open in time for a profitable holiday season.

Chief Hensley noted due to construction at Beechwood the ending point for the **Fourth of July Parade** may be moved. Beechwood Swim Club may be an alternate location.

Chief McVey was called upon to give a report. He announced an **Open House at the Fire Department** to be held June 27 from 10 a.m. until 2 p.m. The Fire House will be open for an opportunity to show the apparatus, give a public education demonstration. The event will be open to the public and the cities the Fire Department provides service for will also be invited. It was noted that Assistant Chief Dave Jansing was named Volunteer of the month for May by the Northern Kentucky Firefighters Association. Assistant Chief Jansing was asked to report on a recent auto accident. A car went into a house off of Turkeyfoot, Asst. Chief Jansing and an O.R. Tech were the first two people on the scene and found no pulse for the driver who had suffered a heart attack. Two part-time Fort Mitchell Firefighters who are paramedics, Gary Auffart and Justin Brinkman responded along with two FMVFD EMTs, Chris Zerhusen and Jeff Hampton. They were able to administer drugs, shock the individual, and begin working on him immediately resulting in a save.

COMMENTS FROM COUNCIL

The **regular meeting of June 1 will be cancelled**, there will be a **special meeting on June 8** which will include a first reading of the budget.

The **Wall of Honor** Committee will be meeting following this meeting to finalize the selection process. There will be a ceremony on May 25, Memorial Day at 11:30.

Mr. Terwort stated he will draft an Ordinance regarding **E-Transparency**; all budget expenditures should be online for review. The City of Louisville and Hamilton County in Ohio have done this as well as others across the country and Fort Mitchell should be the first in Northern Kentucky.

Mr. Stoeckle asked Mr. Zerhusen about any plan to go forward with softening the corner (turn) at **Beechwood Road and Dixie Highway**. Mr. Zerhusen replied some numbers have been received but without pins on the corner it is hard to estimate how much property we will need to acquire; he will talk to the resident again to follow up.

Chief Hensley noted Duke Energy has contracted a tree trimmer to do work in the city **cutting limbs away from power lines**. Residents with concerns can find the contact number on our website or through calling the City Building. Mr. Zerhusen added that Cincinnati Bell is also having trees trimmed in our area. Mrs. Boerger noted this is not just for trees along the streets, they also are working in some yards. Chief Hensley stated the City will have an independent contractor trim the ornamental trees the City planted along Dixie Highway. Mr. Wiest added there has also been some work to correct leaning utility poles. Mr. Stoeckle reminded residents to sign up through the website for email notification of such news.

At 8:20 p.m. Mr. Stoeckle made a motion to go into executive session per KRS 61.810 1(f) to discuss personnel matters. Mrs. Boerger offered a second to the motion. Mayor Holocher called for a vote and the motion carried by voice. Mayor Holocher noted that no further business is anticipated and announced there would be a ten minute recess. Following a brief recess, Council entered executive session. **At 9:30 p.m. Mr. Stoeckle made a motion to return from executive session to the open session.** Mrs. Boerger offered a second to the motion. Mayor Holocher called for a vote and the motion carried by voice.

ADJOURNMENT There being no further business, **Mr. Schrand made a motion to adjourn; second was offered by Mrs. Boerger. Motion carried by voice vote; the meeting adjourned at 9:30 p.m.**

Respectfully submitted by:

Signed _____ 2009

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor