

**CITY OF FORT MITCHELL, KY**  
**CITY COUNCIL MEETING**  
**October 5, 2009**

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

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

**PRESENT:** Vicki Boerger, Mary Burns, Bill Reis, David Schrand, Will Terwort and Christopher Wiest **ABSENT:** David Stoeckle and Dennis Zahler **Others Present:** Mayor Thomas Holocher, Police Chief/CAO Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, Assistant Fire Chief David Jansing, Captain James Bussman and City Clerk Amy Able.

**APPROVAL OF AGENDA AND MINUTES**

**Mr. Reis made a motion to approve the revised agenda, Mr. Schrand offered a second to the motion. Motion carried by voice vote.**

**Mrs. Boerger made a motion to approve the minutes of the September 21, 2009 meeting, Mr. Wiest offered a second to the motion. Mayor Holocher called for a voice vote and the motion carried.**

**MAYOR'S REPORT**

No one present responded to the Mayor's invitation to address Council for matters not on the agenda.

The Mayor invited **Mr. Larry Klein, City Manager of Covington**, to address Council concerning changes to the **county-wide business license collection**. Mr. Klein stated a copy of the proposed amended interlocal agreement has been provided for Council's review. One and a half years ago the county increased the collection fee from one to two percent. Covington joined the county-wide collection on 1/1/09. From 1993 until this year the cost of a county-wide license was \$175, which has now been increased to \$225. There is a new formula for allocating funds. Prior to the county-wide option, businesses paid \$50 per city. Easier compliance for businesses and more revenue for cities were realized. Under the new formula Fort Mitchell's per license share goes down to \$20.77 (from \$23.22). There are three other cities that will face a share reduction: Edgewood, Erlanger and Taylor Mill, while others will see an increase. Under the old formula Bromley received more than Crestview Hills; however, the new structure is more equitable. Keeping the formula fair was paramount. The new formula chosen is based on the amount of business those with a county-wide license do in each city. Payroll tax and gross receipt tax data for 1,704 participating businesses in 2008 was examined to determine the calculation of each city's share. The formula will automatically update each year. Ms. Burns asked why Covington gets \$25 out of each \$175 license. Mr. Klein explained an individual license for Covington would be \$50 like in other cities; Covington has not participated in centralized collection of payroll tax and net profits/gross receipts collection like other cities do; therefore, there was no way to track the participants' amount of business done in Covington. It was decided \$25 was the amount they came in at and there is no way to compare them on the same basis. Mayor Holocher noted the \$25 dedicated to Covington is not from the \$175 amount but the new \$225 amount. Mr. Klein stated the increased portion will help soften the blow to all cities. Mr. Wiest asked about the \$25 that had been going into escrow and Mr. Klein stated this will be disbursed in lump sums once the agreement is signed by the cities and approved by the Department for Local Government. Mr. Wiest asked about any plan to get the formula refined to reflect the true amount of business per city. Mr. Klein explained it is based on carrying over the concept that any individual city license has a flat fee regardless of if they work in the city one day or all year. It was noted the County will now be providing more detailed reports and the cities have limited access to check certain records online. The interest earned on taxes collected by the county is being proportioned out. Mr. Klein noted since the county-wide collection started fifteen years ago, compliance is easier and more affordable for businesses and cities realized more revenue.

The Mayor noted a letter from Insight Communications stated the **KET Educational Channel 192** went dark on October 1. This was not a decision by Insight and they will continue to carry other KET channels.

The **Municipal Government League of Northern Kentucky** will meet on November 7 at the Newport Aquarium for a 6 o'clock reception followed by a 7 o'clock dinner and meeting. Council members interested in attending may make reservations through the City Clerk.

Nancy Taylor, a retired teacher from Beechwood, continues to be very active with the City's **Adopt-a-Unit** program. Again this year she has hand painted Christmas ornaments to sell to raise funds for the program. This year's design features Blessed Sacrament Church. The cost is \$15 and they are available for purchase at the City Building, Beechwood School and Blessed Sacrament's church office. The troop was deployed to Iraq in August and will be gone for a year to 15 months.

Mayor Holocher stated former Fire Chief **Tim Hollenkamp** has been ill and today is his 60<sup>th</sup> birthday. Mayor Holocher read Resolution 2009-16 recognizing Mr. Hollenkamp. **Mrs. Boerger made a motion to adopt Resolution 2009-16; Mr. Wiest offered a second to the motion. The motion carried by voice vote.**

**CITY ATTORNEY'S REPORT**

Mr. Ziegler gave **second reading by title and summary to Ordinance 2009-07 regarding open burning. Mr. Reis made a motion to adopt Ordinance 2009-07; Mr. Terwort offered a second to the motion.** Mayor Holocher called for any questions, upon hearing that there were no questions, he requested a roll call vote.

<b>Mr. Reis:</b>	<b>Yes</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Terwort:</b>	<b>Yes</b>	<b>Mr. Schrand:</b>	<b>Yes</b>
<b>Mrs. Boerger:</b>	<b>Yes</b>	<b>Mr. Wiest:</b>	<b>Yes</b>
<b>Yes:</b>	<b>6</b>	<b>No:</b>	<b>0</b>
<b>Absent:</b>	<b>2</b>	<b>Motion carried.</b>	

Mr. Ziegler read **Resolution 2009-15** Approving an **Interlocal Agreement** extending participation in **County-Wide Collection of Business License fees. Mr. Schrand made a motion to adopt Resolution 2009-15; second to the motion was offered by Mr. Reis.** Mayor Holocher called for any questions, upon hearing that there were no questions, he requested a roll call vote.

<b>Mr. Schrand:</b>	<b>Yes</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Reis:</b>	<b>Yes</b>	<b>Mr.: Terwort:</b>	<b>Yes</b>
<b>Mrs. Boerger:</b>	<b>Yes</b>	<b>Mr. Wiest:</b>	<b>Yes</b>
<b>Yes:</b>	<b>6</b>	<b>No:</b>	<b>0</b>
<b>Absent:</b>	<b>2</b>	<b>Motion carried.</b>	

**CITY ADMINISTRATOR'S REPORT**

Chief/CAO Hensley stated a **grant from Homeland Security in the amount of \$23,359** has been awarded for replacement of radios; the City will pay a 25% match. Capt. Bussman and Firefighter Fuller were credited with working on the grant application.

Executive sessions may be necessary in the near future to discuss acquisition of property for one or more of the following projects.

- The City is interested in **widening East Drive and improving the turn-around** and has been working with residents in the area.

- Options prepared by the engineers are being reviewed for **improvements to the intersection of Dixie Highway and Beechwood Road**. Mr. Zerhusen has been negotiating with the property owner to obtain the area necessary to enhance the turning radius and the appraisal-based cost is expected to be less than \$700.
- **Acquisition of additional property at the I-75 right-of-way** adjacent to Kroger may be required and a budget amendment will be necessary but it will be a pass-through amount covered by the developer. Mr. Schrand asked about the status of the Kroger project. Chief Hensley stated the City has been told that the January timeline is still valid with demolition in January and a plan to re-open by the following holiday season.

Mr. Reis stated he heard the **sale of the U.S.A. Hotel** fell through. Chief Hensley stated the City has not been informed of this. Mr. Reis stated he also heard **Walgreens** was having trouble getting approval from the state for their proposed Kyles Lane and Dixie Highway location. He suggested it may be to the City's benefit to contact them suggesting a Dixie Highway and Maple Avenue location.

Chief Hensley stated there was a meeting with representatives from NKAPC and Kroger. In looking for a compromise, the City has submitted an application for a text amendment regarding a shared parking agreement. The current requirement is 5.5 spaces per 1,000 square feet and the application requests a change for closer to 4 spaces per 1,000 square feet.

**COMMENTS FROM COUNCIL**

Mrs. Boerger noted the **Centennial Committee** is moving forward with plans. Behringer Crawford Museum will have a display on the history of the City opening on June 20, 2010. Residents are encouraged to call if they have questions about items they may have to lend. Photographs can be scanned so you don't have to worry about your originals. There are tentative plans for a taste of Fort Mitchell event. The planning committee continues to meet on the second Monday of each month at 6:30 p.m. at the City Building.

Mayor Holocher noted the **Interlocal Agreement with the Sanitation District has been signed**. He added that he asked Mr. Eger to put in the agreement a provision that if the City loses the lawsuit with the Drawbridge, SD1 will take over that sewer line and Mr. Eger agreed. Also it was established there will be a 50/50 match for work done to culverts under roadways.

At 7:50 p.m., **Mr. Wiest made a motion to enter executive session as allowable under KRS 61.810 (1) (c) to discuss proposed or pending litigation noting the reason for the executive session is to have discussion without prejudicing the City's position in litigation. Mr. Schrand offered a second to the motion. The motion carried by voice vote.** The Mayor noted there would be a brief recess to clear the room. **Council entered executive session at 7:58 p.m. Mr. Schrand made a motion to return to the regular session, second was offered by Mr. Terwort and the open session resumed at 8:04 p.m.**

**ADJOURNMENT**

There being no further business on the agenda, **Mr. Wiest made a motion to adjourn, and Mrs. Boerger offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 8:05 p.m.**

Signed \_\_\_\_\_, 2009

Respectfully submitted by:

\_\_\_\_\_  
Amy B. Able, City Clerk

\_\_\_\_\_  
Thomas E. Holocher, Mayor