

**CITY OF FORT MITCHELL, KY
CITY COUNCIL MEETING
December 7, 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, Bill Reis, David Schrand, David Stoeckle and Dennis Zahler **ABSENT:** Mary Burns, Will Terwort and Christopher Wiest **Others Present:** Mayor Thomas Holocher, Police Chief/CAO Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, Asst. Fire Chief Jansing, Capt. Bussman, and City Clerk Amy Able.

APPROVAL OF AGENDA AND MINUTES

Mr. Zahler made a motion to approve the agenda, a second was offered by Mr. Stoeckle. Motion carried by voice vote. **Mr. Reis made a motion to approve the minutes** of the November 16, 2009 meeting, a second was offered by Mr. Schrand. The motion carried by voice vote.

CITIZENS NOT ON THE AGENDA

It was noted that any discussion of the billboard issue would be at the end of the meeting.

Amanda Moreheadart of Leathers Road was impressed by the Newport Historic Homes tour and would like to start this again in Fort Mitchell. A brief discussion followed. It could be done in accord with the Centennial and repeated annually. A tour of homes had been done in the past by the Garden Club. The Centennial Committee had discussed the possibility of such a program and Ms. Moreheadart was invited to the next planning meeting and agreed to volunteer as an organizer.

MAYOR'S REPORT

The December 21, 2009 Council meeting will be cancelled.

December 13, 2009 will be **Luminary Night**.

The City Administrative offices will be closed on December 24 and 25. The offices will be open on New Year's Eve and closed on New Year's Day. There is no trash collection on Christmas or New Year's Day.

CITY ATTORNEY'S REPORT

Mr. Ziegler gave **first reading to Ordinance 2009-08** approving a text amendment concerning parking. Mayor Holocher called for any questions. This will impact the required number of parking spaces at the Expressway Plaza shopping center.

Mr. Ziegler read **Municipal Order 2009-12** reappointing Thomas McKinley, Larry Mescher and Robert Williams to the Park Board. **Mr. Reis made a motion to approve Municipal Order 2009-12, second to the motion was offered by Mr. Zahler.** Hearing that there was no further discussion the Mayor called for a vote.

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| Mr. Reis: | Yes | Mr. Schrand: | Yes |
| Mr. Zahler: | Yes | Mr. Stoeckle: | Yes |
| Mrs. Boerger: | Yes | | |

Yes: 5 No: 0 Absent: 3 Motion carried.

Mr. Ziegler read **Municipal Order 2009-13** reappointing Harriet Powell and Paul Miller to the Municipal Tree Commission. **Mr. Stoeckle made a motion to approve Municipal Order 2009-13, second to the motion was offered by Mrs. Boerger.** Mayor Holocher called for any questions or discussion and upon hearing there was nothing further he called for a vote.

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| Mr. Stoeckle: | Yes | Mr. Reis: | Yes |
| Mrs. Boerger: | Yes | Mr. Zahler: | Yes |
| Mr. Schrand: | Yes | | |

Yes: 5 No: 0 Absent: 3 Motion carried.

Mr. Ziegler read **Municipal Order 2009-14** reappointing Martin Huelsmann to the Ethics Board. **Mr. Zahler made a motion to approve Municipal Order 2009-14, second to the motion was offered by Mrs. Reis.** Mayor Holocher called for any questions or comments and upon hearing there were none he called for a vote.

Mr. Reis: Yes **Mr. Schrand: Yes**
Mr. Zahler: Yes **Mr. Stoeckle: Yes**
Mrs. Boerger: Yes

Yes: 5 **No: 0** **Absent: 3** **Motion carried.**

Mr. Ziegler read **Municipal Order 2009-15** rescinding Municipal Order 2009-10 and appointing Craig Grabow to the Municipal Tree Commission. **Mr. Schrand made a motion to approve Municipal Order 2009-15, second to the motion was offered by Mr. Zahler.** Mayor Holocher called for any questions or discussion and upon hearing there was nothing further he called for a vote.

Mr. Schrand: Yes **Mr. Reis: Yes**
Mr. Zahler: Yes **Mr. Stoeckle: Yes**
Mrs. Boerger: Yes

Yes: 5 **No: 0** **Absent: 3** **Motion carried.**

Mr. Ziegler read **Municipal Order 2009-16** approving a year-end incentive for city employees. **Mr. Zahler made a motion to approve Municipal Order 2009-16, second to the motion was offered by Mrs. Boerger.** Mayor Holocher called for any questions or comments and upon hearing there were none he called for a vote.

Mr. Zahler: Yes **Mr. Schrand: Yes**
Mrs. Boerger: Yes **Mr. Stoeckle: Yes**
Mr. Reis: Yes

Yes: 5 **No: 0** **Absent: 3** **Motion carried.**

Mr. Ziegler read **Municipal Order 2009-17** appointing Mayor Holocher to serve as representative for the City of Fort Mitchell on the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Governments for a two-year term commencing in January of 2010. **Mr. Reis made a motion to approve Municipal Order 2009-17, second to the motion was offered by Mr. Zahler.** Mayor Holocher called for any questions or comments and upon hearing there were none he called for a vote.

Mr. Reis: Yes **Mr. Schrand: Yes**
Mr. Zahler: Yes **Mr. Stoeckle: Yes**
Mrs. Boerger: Yes

Yes: 5 **No: 0** **Absent: 3** **Motion carried.**

Mayor Holocher asked Mr. Ziegler to read a **resolution that was passed by the Kenton County Mayor's Group expressing opposition to relaxing standards on billboards along I-75.** The resolution was adopted on November 21, 2009 and signed by the mayors of Crestview Hills, Crescent Springs, Erlanger, Fort Wright, Independence, Lakeside Park, Ludlow, Park Hills, Ryland Heights, Taylor Mill and Villa Hills.

CITY ADMINISTRATOR'S REPORT

Chief/CAO Hensley thanked those who had contributed to the **Shop with a Cop** program. The donations received should enable assistance to six families. There were no reports from the Public Works, Police or Fire Departments.

COMMENTS FROM COUNCIL

It was noted that no action was anticipated but the meeting would continue with discussion of the billboard issue and those present wishing to address Council on the matter would be permitted to do so. It was further noted that Mr. Schrand would remain in the room for purposes of maintaining a quorum so the meeting could continue however he would only be observing.

Mr. Joe Creaghead of West Maple Avenue said he applauds the Mayor's Group for their position. The text of the proposed ordinance states welfare will be advanced and aesthetic values enhanced and he takes exception to this. Referencing the contract and proposed text, he expressed concerns about the intent for electronic billboards in the future and potential removal of additional trees. If the sign is forty feet above the ground it will be fully visible from his home.

(Chief Hensley out 7:34 p.m.)

Mrs. Anne Reis of Highland Avenue expressed concerns for aesthetic values and stated Mayor's of other cities opposing this show it is a bad idea.

Mr. Jim Collett, Mayor of Crescent Springs stated his family came from Fort Mitchell and the aesthetics are a great asset. The standard has been that aesthetics were above commercial value. He said D.O.T. regulations prevent signage within 600' of the right-of-way. There is a reason that standard is in place for the corridor. He hopes the standards will be maintained.

(Chief Hensley returned at 7:36 p.m.) Controlling content remains a concern and allowing a sign becomes a slippery slope.

Mr. Tom McGovern of Oxford Drive stated he and neighbors he spoke with have concerns for devaluation of their property if billboards are allowed.

Mr. Norm Decker of Orchard Road stated he can see the traffic lights on the overpass from his home and he would have to look at the billboards all the time. He urged Council not to allow billboards.

Mr. Mike Dammert of Watch Hill Road and Chair of the Beechwood School Board stated this is being looked at as a new way of funding to help the school children. He stated a height for the signs has not yet been decided but it won't be visible to neighboring homes. He said aesthetics are in the eye of the beholder and there are many signs currently in the area for existing commercial developments. With the advertising contract the area would be maintained. Mr. Reis asked the amount the school receives from the land rented for the cell tower. Mr. Dammert responded it was approximately \$12,500 early on but he does not have a current figure.

Mrs. Diane Becker of Floral Avenue stated she remains opposed to billboards and asked several questions about the lease between Norton and Beechwood and about the proposed text amendment. She asked if the property will belong to the billboard company at the end of the lease and Mr. Dammert replied it would not. She asked about the cost of removal at the end of the lease and Mr. Dammert said the sign company would bear that cost. She noted the reference to advertising spots displayed for eight seconds and said most commercials are fifteen to thirty seconds in length; she believes ads changing in eight second intervals would be very distracting. She noted allowable content may still have an objectionable design (such as travel ads with images of sunbathers.) She asked if this could pertain to other owners with property abutting the highway if they have a "board" and Mr. Zahler responded there is restrictive language for government agencies only.

Mr. Ziegler stated the digital issue is not decided at this point. Some language was pulled out and the attorney for the school board put some back in the documents. Council could choose to allow "static" billboards only. The school would like language built in for electronic signs but the Council decides and could choose to allow only traditional "paper" signs with lighting. Mr. Reis asked if mechanical signs which rotate and have three message surfaces would be considered "static" or "electronic". Mr. Ziegler noted moving signs are currently not allowed. Mr. Dammert stated the intent is for static, not moving, signs unless current (State) legislation changes. He added the current electronic signs in the area are for a property's own use (like St. Elizabeth) or are illegal.

Mr. Creaghead said five hundred spots a day that are eight seconds in length is a serious consideration. Mr. Dammert reiterated their intent that the signs not be seen from homes. Mrs. Reis noted all residents will see the signs as they come and go from home.

Chief Hensley stated the City has been advised by another sign company that other government entities are looking at Fort Mitchell's situation with consideration to purchase land for advertising along the I-75 corridor. Mr. Dammert said he has heard this as well though Norton is not involved.

Mayor Holocher asked for a current copy of the contract and Mr. Dammert agreed to provide it.

Chief Hensley asked if the text amendment is written narrowly enough (that it would not encourage purchases for advertising on small parcels), would that take us further into an area of jeopardy regarding equal protection. Mr. Ziegler said this depends on how it is written, the rational basis and the criteria which could be tied to principal use or size to avoid purchases of half acre lots, etc. The matter will most likely be discussed at the January 4, 2010 meeting.

Mr. Reis stated Council needs to review all the information to make a good decision. He said this will not solve the financial problems of the school if the state can take the money. Mr. Dammert stated this is why it has been set up separately as a Financial Corporation. He added the school is not in financial dire straits, this is just an innovative way to get revenue.

Mrs. Morehart said she thinks it is a great idea. She originally had concerns about content and now about potential free speech arguments. It's possible to keep integrity and keep taxes down.

Mayor Holocher said it is problematic that more State funding goes to suffering schools rather than those that are successful. He said he is opposed to billboards but the funding problem starts with the State; a school board should not have to resort to such things for funding.

Mr. Stoeckle stated this matter is important to us, the county and State. He said he has received more correspondence and feedback on this matter than any other topic during his three years on Council. He stated he is not sure it's simple innovation. Council has a good deal of information to review. Clearly the signs would be seen from Dixie Highway. LED signs at Newport Central Catholic are seen from I-471 and the light is visible from Carother's Road. He would like to discuss the issue when all members of Council are present. He said he cannot see supporting this and sending it forward for the text amendment process would only cost the school money.

ADJOURNMENT

There being no further business on the agenda, **Mr. Zahler made a motion to adjourn the meeting and Mr. Stoeckle offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 8:33 p.m.**

Respectfully submitted by:

Signed _____, 2009

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor