

**CITY OF FORT MITCHELL, KY**  
**CITY COUNCIL MEETING**  
**July 19, 2010**

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

**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/City Administrator Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, and City Clerk Amy Able.

**APPROVAL OF AGENDA AND MINUTES, CITIZENS NOT ON THE AGENDA**

**Mr. Wiest made a motion to approve the minutes** of the June 28, 2010 meeting; a second was offered by Mr. Schrand. The motion carried by voice vote.

Mayor Holocher distributed **awards from the Independence Day Parade**. Most Colorful Entry was awarded to Neiheisel Plumbing. Most Patriotic Entry was awarded to Schulz and Sons and accepted by Matt Schulz and Fran Schulz. Most Creative Entry was awarded to Szabo Industries and accepted by Randy Szabo. Best Theme Entry was awarded to Remke Market and accepted by Mark Ash. The Mayor's Cup Award for the overall best entry was given to First Security Trust and accepted by Jackie Yates.

Mr. Wiest asked that the agenda be amended to include discussion and possible first reading of Ordinances 2010-03 and 2010-04 regarding chronic nuisances. **Mrs. Boerger made a motion to approve the agenda.** A second to the motion was offered by Mr. Schrand. Motion carried by voice vote.

**Jim Brannen** of 110 Burdsall Avenue addressed Council concerning property maintenance violations at 107 Burdsall. There has been an inoperable vehicle covered with a tarp in the driveway in front of the house for several weeks. Mr. Brannen requested that the City pursue the matter in district court since the resident has not responded to action by the Code Enforcement Board. Chief Hensley responded explaining that years ago all complaints were taken to district court only to have many referred back to us. We now have the Code Enforcement Board to address such matters civilly and the majority are responsive to requests to correct the violations. The City has been reviewing ordinances for chronic nuisance properties. In some cases it may be beneficial to use district court and doing so has been discussed with County Attorney Gary Edmondson.

**MAYOR'S REPORT**

Mr. Zerhusen explained the City is again working with the utilities for an upcoming road reconstruction project on Pleasant Ridge. Sanitation District 1 (SD1) will replace sewer lines and the Northern KY Water District also plans to replace the water main in conjunction with this road reconstruction project. Mr. Zerhusen said there are problems with the aging system in that area such as some storm and sanitary lines being tied to the same manholes. SD1 will work with residents on extensive testing of downspouts and laterals. **Brandon Vatter and Barrett Groh, representatives of SD1, gave a presentation on the scope of the project pending for Pleasant Ridge Avenue.** The first step involves video being taken of lines throughout the project area. SD1 looks at both storm and sanitary sewers throughout the area. The system is over sixty years old and has been found to be in poor condition with common manholes and sanitary sewer overflows (SSOs) exist in at least three locations in the project area (meaning sanitary line discharge comes up through manholes into yards during typical rain events.) Due to the size of the area and the comprehensive nature, the project will be addressed in two phases. Phase 1 will extend from Carlisle to 113 Pleasant Ridge Avenue. Phase 2 will cover 113 Pleasant Ridge Avenue to Grace Avenue. Mr. Groh showed slides of the project area, SSOs, and location and condition of sewer lines. The sanitary lines were not designed to carry storm water and were not sized for the volume they now carry. Correcting these problems eliminates public health risks. In studying the area a bypass pipe was found and metering the flows revealed that during rain events the storm water automatically bypasses to the sanitary line. Tests were conducted and bacteria counts at Beechwood and Pleasant Ridge were found at the storm water outfall to be at a level 241 times the average daily (allowable) amount in dry weather. Mr. Vatter explained high bacteria counts were found in that area every day, not just the average 80 days per year that it rains proving the increased public health risk because of current design problems in the system. Repairs will be made with the goal of keeping rainwater out of sanitary lines. SD1's goal is to develop a holistic process to

address all sources of pollution, including private source connections, ultimately improving water quality. The total cost of Phase 1 and 2 will be \$5 million. SD1 had budgeted these funds to be spent elsewhere but due to the high health risk they are reallocating funds. This project provides a chance to utilize green infrastructure to mimic natural groundcover scenarios. After videotaping of sewer lines is complete SD1 will meet with residents and then dye testing will begin followed by the project design phase. To “convey and treat” (building large oversized sewers) is very expensive compared to source removal which is more effective spending and addresses all problems. SD1 will pay 100% of design costs; homeowners will pay any interior plumbing costs to correct problems with private source connections. SD1 offers 50% of construction costs to remove illegal/illicit discharge sources. The maximum contribution will be \$2,500 per property. Financing is available and residents with low incomes may qualify for grants. (Details about qualification are on SD1’s website.) This is an example of how work at individual properties can impact water quality for an entire region.

(\*Mayor Holocher stepped out at 7:58, returning at 8:00. Mr. Reis stepped out at 8:02, returning at 8:04.)

Mayor Holocher asked about the extensive scope of the project including road, sewer and water main work and if it can be done in a single construction season. Mr. Zerhusen acknowledged the limited window of April – November and Mr. Vatter said more will be known when dye testing is complete. Mr. Zerhusen added both the City and Water District are using Bayer Becker for design.

Mayor Holocher read a letter from Ron and Diane Becker complimenting the events for the **centennial**.

Mayor Holocher referenced receiving correspondence regarding HB 3745 concerning FCC Franchises and **PEG Channels**. Correspondence on the matter was also received from Sen. Bunning and Rep. Davis. The CAP Act has been introduced in the House of Representatives and referred to the House Committee on Energy and Commerce.

Mayor Holocher referenced correspondence from **Rep. Davis** concerning his introduction of HR 3308 on immigration and homeland security on the borders, HR 2406 on the CLEAR Act and co-sponsorship of HR 2287 relative to social security and illegal immigrants.

The Kentucky League of Cities notified us we will receive a **Safety Grant** for \$2,435.

**Behringer Crawford Museum** sent a letter thanking the City for involvement on their “Centennials” exhibit featuring the hundred-year histories of the Boy Scouts, Devou Park and Fort Mitchell. The exhibit continues through September 25, 2010.

Pre-orders for a **book on the city’s history** are being accepted at \$20 through October 1; the cost after that date will be \$25. **Commemorative tiles** are still available for purchase at the City Building for \$25.

The City **Golf Outing** will be July 30 at Twin Oaks. Reservations are being accepted at the City Building.

The **Municipal Government League of Northern Kentucky** will host their annual summer picnic on July 28 at the Florence Freedom Game. Council may make reservations through the City Clerk.

#### **News from the Kenton County Mayor’s Group:**

- A group of local elected officials will be formed to discuss the NKAPC **Hillside Study**. Several developers have also expressed interest in participating in the study.
- **County-wide occupational licenses** are now \$225 and the amount of the increase previously held in escrow is now being distributed to participating cities.
- Jeff Eger of **SD1** reported on a meeting with the EPA. SD1’s perspective on affordability was received with interest by the EPA and SD1 is trying to defer some projects. Mr. Wiest asked about any impact on rate increases and Mayor Holocher said there has not been an official response yet, the feedback to the request is preliminary at this point.

**The following items are on the KLC legislative agenda:**

- **Telecommunications tax collection** has resulted in a shortfall since collection was taken over by the State (-\$14,000 for Fort Mitchell) though cities were supposed to be “made whole.” Winchester and Mayfield are plaintiffs in a pending suit.
- **Centralized collection of occupational taxes** has been proposed and cities are not in favor of turning this over to the state.
- **Collective bargaining** will be opposed with insistence this is a local issue.
- Increasing **revenue options for local governments** will be considered.
- **CERS is underfunded** by \$5 billion. The people receiving pensions have the most representation on the board.
- **Publication requirements** which are an expense for cities will be reviewed. Online publication through city websites may be considered.
- The State has suggested giving cities a \$2 portion of **9-1-1 funding** which would be a shortfall since we currently collect \$4.25.
- **Charter County Government** establishment failed in the past but will be readdressed.
- Insurance companies have expressed concerns about charging **insurance premium taxes** to government agencies or other quasi-governmental agencies.

Council was given a breakdown of employee raises. Mr. Wiest asked if consideration was given to doing more for “baseline” police and fire personnel. Mayor Holocher responded raises were reviewed again but comparisons to other cities must take in the full picture such as employee contributions of up to 20% of the cost of health insurance and if the other city pays into social security. Ms. Burns asked about any morale problems. It was noted one employee had voiced displeasure. A thorough review of an extensive area-wide salary survey is done by the administration each year.

### **CITY ATTORNEY’S REPORT**

Mr. Wiest said though work has been ongoing for three months, drafts of the two proposed ordinances were not complete until today. Under the proposed ordinances, for a property to be considered a chronic nuisance there will be specific criteria such as three crimes in a sixty day period or twelve within a year. Owners would be required to respond within ten days and furnish a plan for correction within thirty days. Residents could file sworn complaints as the basis for a violation. The City could take offenders through the Code Enforcement Board or address the matters criminally through the courts with offenses becoming Class A misdemeanors. The proposal includes raising civil penalties by the Code Enforcement Board since existing penalties are not getting the attention of some offenders. Proposed adjustments to the civil penalties are: \$250 for first offenses, \$500 for second, \$1,000 for third, \$2,500 for fourth offenses, and \$7,500 for fifth or any additional offenses. There is also a clause allowing the Mayor to suspend or revoke any associated business license at a chronic nuisance property. The provisions have not been tested in Kentucky but examples were found in Oregon. A review will be done by KLC staff attorneys.

**Mr. Ziegler gave first reading by title and summary of Ordinance 2010-03** adding a section on chronic nuisance property to Chapter 92 of the Codification and addressing fines.

**Mr. Ziegler gave first reading by title and summary to Ordinance 2010-04** adjusting the existing fine schedule (for non-chronic nuisances) and setting fines for chronic nuisance properties.

Review of both ordinances will continue before the next meeting.

### **CITY ADMINISTRATOR’S REPORT**

CAO/Chief Hensley reported that the KLC held **Drug Free Workplace** Training for all our employees. Updates to the Personnel Policy and Health and Safety Manual will be moved forward to Council for approval. Because of the policy and completion of training the City will realize a reduction in Worker’s Compensation insurance rates.

The **KLC Scorecard** revealed no significant issues and scores were all high. This will afford the City reduction in rates for Worker’s Compensation and General Liability policies as has been the case in the past few years.

A case investigated by the Police Department thirteen years ago was resolved when the burglars were apprehended trying to exit the country. They were extradited back to Kenton County and now face charges.

Mr. Zerhusen was asked to give a report on road projects. **Bids were opened for the Dixie Highway sidewalk** improvement project (for the area in front of Remke's). Four bids were received. The results have been tabulated by the engineer and the low bidder was Straight Edge Construction. Some of their recent work will be reviewed. Work on **Thompson Avenue** is coming along and all curb and gutters should be in by the end of the week. Work continues on **Gettysburg** and the contractor is doing a good job.

Chief Hensley noted the City will meet with representatives from **Kroger** regarding their plans for new signage and other proposals. They are on schedule to re-open by Thanksgiving as planned.

**COMMENTS FROM COUNCIL**

Mrs. Boerger suggested that issues concerning **parking during snow emergencies** need to be addressed before winter. She would support making fines comparable to neighboring cities. Chief Hensley has surveyed other cities and will get a draft ordinance to Council soon.

Mr. Reis complimented the **Centennial Committee** on a job well done planning all the events.

**ADJOURNMENT**

There being no further business, **Mr. Schrand made a motion to adjourn the meeting and Mr. Reis offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 9:12 p.m.**

Respectfully submitted by:

Signed \_\_\_\_\_, 2010

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Amy B. Able, City Clerk

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Thomas E. Holocher, Mayor