

CITY OF FORT MITCHELL, KY
CITY COUNCIL MEETING
August 2, 2010

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

PRESENT: Mary Burns, Bill Reis, David Schrand, Will Terwort, Christopher Wiest and Dennis Zahler
ABSENT: Vicki Boerger* (arrived late at 7:20 p.m.) and David Stoeckle
Others Present: Mayor Thomas Holocher, Police Chief/City Administrator Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, Fire Chief Scott McVey, Sgt. Nealy, and City Clerk Amy Able.

APPROVAL OF AGENDA AND MINUTES, CITIZENS NOT ON THE AGENDA

Mr. Wiest requested that Resolution 2010-07 honoring Beechwood School's sesquicentennial be added to the agenda. **Mr. Wiest made a motion to approve the amended agenda;** Mr. Reis offered a second to the motion. Motion carried by voice vote. **Mr. Reis made a motion to approve the minutes** of the July 19, 2010 meeting; a second was offered by Mr. Schrand. The motion carried by voice vote. There was no one present responding to the Mayor's request to address Council for matters not on the agenda.

MAYOR'S REPORT

There will be a public meeting on August 11, 2010 at 7:00 p.m. at Blessed Sacrament's Undercroft for residents of Pleasant Ridge to receive information about the pending street reconstruction and sewer line replacement project. There was some confusion after a recent newspaper article. There will be no assessment for the project. Home owners may have some costs if they need to replace / reconnect to the lateral lines. SD1 will match up to \$2,500 of repair costs that reach \$5,000.

The Transportation Cabinet has announced that an action plan draft for FY 2011-2014 of the Statewide Transportation Improvement Program is available for review through August 31 at the Highway District Office, the Area Development Districts and online through KYTC's site.

The Kentucky League of Cities is drafting a model ordinance requiring mortgage institutions to register vacant / foreclosed properties with city governments which will assist cities in enforcement of nuisance codes.

CITY ATTORNEY'S REPORT

Mr. Ziegler read **Municipal Order 2010-07 regarding traffic patterns on Beechwood Road** prohibiting certain turns during certain hours. Chief Hensley noted one additional sign is being added and language is being cleaned up to maintain the current circular pattern so there will be no left turn into the new (center) driveway and crosswalks will be kept clear for pedestrians. **Motion by Mr. Zahler to adopt Municipal Order 2010-07;** second was offered by Mr. Reis. Mayor Holocher called for any questions or comments and upon hearing that there were none he called for a vote. The motion carried by voice vote.

Mr. Ziegler gave **first reading by title and summary to Ordinance 2010-03 regarding nuisance properties.** There were some changes since the previous meeting when this was introduced. Mr. Wiest said he had phone calls from several landlords with concerns about the ordinance as originally proposed. Some landlords may be unaware of criminal activity on their property; some, trying to be pro-active, go so far as to have precautionary clauses that an arrest resulting in conviction is grounds for eviction. The revised wording under item (G) allows protection for those owners doing the right thing. Chief Hensley added the Police Department has an established practice of regularly reporting problems to the main apartment complexes so management will be aware of repeat problems. The newly revised draft is being reviewed by the KLC.

(*Mrs. Boerger arrived at 7:20 p.m.)

Mr. Smith of 50 Woodlawn was recognized and addressed Council. The property next door to him was referenced in a recent newspaper article about the proposed changes but he says there have been no police calls to that property and he maintains the yard to a standard better than many in the city. He said some problems cannot be lumped together such as crime-ridden commercial properties versus a residential eye sore. He said the penalties are not justifiable. He admits he is interested in the property but would rather obtain it fairly rather than through a forced sale and fears it could become rental property that way; the problems are not that bad. Many violations exist without being reported or enforced and the city should not

be selective with enforcement. Chief Hensley noted there has been no remedy to the structural problems at the property referenced and a code inspector does review it regularly. In the past it was found to be snake infested, there were problems with raccoons living in it, and there have been other long-term problems such as the hazard with the dilapidated deck that had to be removed. There are other properties in the city that would currently qualify as chronic nuisances. The draft document now in progress has extensive criteria and we are cautious to not write an ordinance targeting just one property (be it residential or commercial). There are also provisions in the draft to revoke business licenses which is a greater penalty to commercial owners.

CITY ADMINISTRATOR'S REPORT

CAO/Chief Hensley reported that a complaint was filed at the County Attorney's office for continuous code violations at a **property on Burdsall**, service is pending.

A plat for the East Drive reconstruction project was reviewed. Portions of land need to be acquired from Ms. Donlin to move forward, Council's approval is needed. A price of \$10,000 has been negotiated; the City will deduct the \$2,000 owed for clean-up of her property on East Drive where there was a fire. The funds for purchasing the land are in the budget. The appraisal was higher (\$20,000) because it was based on lineal footage but this is not a buildable lot. **Mr. Zahler made a motion to approve the purchase of the land from Ms. Donlin for an amount of \$10,000** (\$8,000 after fees are deducted); Mr. Reis offered a second to the motion. Mr. Reis asked Mr. Zerhusen about the changes to elevation at the rear of the Baptist Church Property. Mr. Zerhusen confirmed at the backside of the existing shed is where there will be connection into East Drive. Mayor Holocher called for any further questions or comments and upon hearing that there were none he called for a roll call vote.

Mr. Zahler:	Yes	Mr. Schrand:	Yes
Mr. Reis:	Yes	Mr. Terwort:	Yes
Mrs. Boerger:	Yes	Mr. Wiest:	Yes
Ms. Burns:	Yes		

Ayes: 7 Nays: 0 Absent: 1 Motion carried.

CAO/Chief Hensley stated there was a meeting with representatives from NKAPC and **Kroger** to discuss their request for new signage. An application for variance has now been made and will be heard by the **Board of Adjustment** for both the height of the sign and the size. Ms. Burns asked and it was confirmed this will not be a digital sign. In the future the City may entertain requests for other properties wishing to use digital numbers to display only their gas prices but not flashing signs for other general advertisement. (The locations on Buttermilk have not followed through with such an application yet.) Ms. Burns asked about any possible problems with illumination of the proposed Kroger sign. Chief Hensley replied the Board of Adjustment must consider this. NKAPC was asked to prepare a mock-up. The proposal is for one sign near the expressway three feet taller than allowed. The other sign would enhance the entrance by moving the location and adding a grassy area, both the proposed height and size would require a dimensional variance be granted.

COMMENTS FROM COUNCIL

Mr. Ziegler read **Resolution 2010-07** recognizing Beechwood School's 150th anniversary. **Mrs. Boerger made a motion to adopt**; Mr. Wiest offered second to the motion. Motion carried by voice vote.

Road Work - Mr. Zerhusen said the project on Thompson is proceeding very well. Thompson and short Gettysburg should be 90% done by next week. Work on the storm sewer on Gettysburg and Williamsburg will start next week. Completion is expected in September. There will be a meeting Wednesday evening with the residents of Louise Drive, that project begins in two weeks. On August 11 there will be a meeting for residents of Pleasant Ridge. Work of the low bidder for the Dixie Highway Sidewalk project will be reviewed Tuesday. Bid results for three more projects will be presented at the next meeting.

Chief McVey announced the **new ambulance** is in production and has a tentative delivery date of September 20. In other news, after 16 years as a part time firefighter with FMFD and 21 years in Covington, **Mark Kaelin** has announced his retirement effective July 31, 2010. Chief McVey acknowledged Mark's contributions and wished him well.

Sgt. Nealy addressed Council and explained some grants have recently been approved allowing replacement of in-car video cameras upgrading to new digital systems through rearview mirror cameras. A stand-alone server obtained through grant funds is being upgraded to easily download and catalogue videos for review of traffic stops / evidence. Through budgeting and grants we will have all cars upgraded by the end of the month. A **Highway Safety Grant** (\$15,000) was received last year allowing additional patrols for safety campaigns; another \$10,000 has been received for the next year. Expect increased patrols over the next two months and no warnings, those pulled over will be ticketed

The regular **council meeting scheduled for August 16, 2010 is being cancelled**. Two special meetings are likely to be scheduled in the month of August for a public hearing and setting tax rates. Tentative dates are August 23 and 24, council members should advise the city clerk of their availability.

Mr. Zahler noted there is a button missing from the walk signal at the **cross walk at Dixie and Orphanage**. Mr. Zerhusen will contact the State Highway Department to request the repair.

Ms. Burns stated Crescent Springs approved **crediting residents of private streets (.25) for road taxes**. Chief Hensley stated there was a meeting with residents and the possibility was discussed, this will ultimately be a decision of Council. Chief Hensley added Crestview Hills has researched the matter and he will share their information with Council. Mayor Holocher added this is a difficult situation and a full analysis will be necessary as some private streets off a state road and others are just a driveway off of a city street.

Ms. Burns asked if the **IRS audit** is complete. Chief Hensley stated we are awaiting a response. Mr. Wiest asked if other cities are being audited. Chief Hensley said some agencies are being visited for a compliance check and some are having full audits. Items of review include taxable benefits such as uniforms and cell phone use.

ADJOURNMENT

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

Respectfully submitted by:

Signed _____, 2010

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor