

**CITY OF FORT MITCHELL, KY
SPECIAL CITY COUNCIL MEETING
September 16, 2009**

CALL TO ORDER

Mayor Holocher called the meeting to order at 7:03 a.m.

PRESENT: Vicki Boerger, Bill Reis, David Schrand, David Stoeckle, Will Terwort, Christopher Wiest, and Dennis Zahler **ABSENT:** Mary Burns* (arrived at 7:06 a.m.), **Others Present:** Mayor Thomas Holocher, Police Chief/CAO Steve Hensley, City Attorney Robert Ziegler, Public Works Director Robert Zerhusen, Fire Chief Scott McVey and City Clerk Amy Able.

EXECUTIVE SESSION

Mr. Wiest made a motion to enter executive session to discuss proposed or pending litigation per KRS 61.810(1)(c), noting that the reason for the closed session is that open discussion of the possible litigation and settlement thereof would jeopardize the position of the City in the litigation. Mr. Schrand offered a second to the motion. The motion carried by voice vote. At 7:04 a.m. Council entered executive session.

**Ms. Burns arrived at 7:06 a.m.*

Mr. Zahler made a motion to return to the regular session. Mr. Reis offered a second to the motion. Motion carried by voice vote. Council returned to regular session at 7:25 a.m.

It was noted this special meeting was being held in the morning because a quorum of council was not available any afternoon or evening during the week.

DISCUSSION OF EXECUTIVE SESSION HELD ON MAY 18, 2009

Mr. Ziegler stated that proposed litigation relating to the executive session of May 18, 2009 was discussed during this morning's executive session. He stated Council discussed the following steps to avoid litigation: placing an advertisement in the newspaper relating to the violation of the open meetings act as a result of the May 18, 2009 executive session; making summary statements of the May 18, 2009 executive session as provided by council members, available in the clerk's office through November 1, 2009; and covering legal costs. **Mr. Reis made a motion to move forward with entering an agreement as noted to avoid litigation in this matter. Mr. Zahler offered a second to the motion.** Upon hearing that there were no further questions or comments from Council, Mayor Holocher called for a roll call vote.

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

Yes: 8 No: 0 Absent: 0 Motion carried.

There being no further business on the agenda, **Mr. Zahler made a motion to adjourn and Mr. Wiest offered a second to the motion.** Motion carried by voice vote, **the meeting adjourned at 7:29 a.m.**

Signed _____, 2009

Respectfully submitted by:

Amy B. Able, City Clerk

Thomas E. Holocher, Mayor