



**City of Fort Wright Council Meeting Minutes
Wednesday, February 6, 2019, 6:00 p.m.**

CALL TO ORDER

The meeting was called to order at 6:00 PM by Mayor Hatter. Mayor Hatter led the Pledge of Allegiance followed by a moment of silence. City Clerk Susan Ellis called the roll.

Councilman Abeln	Here
Councilman Feinauer	Here
Councilman Hoerlein	Here
Councilman Wall	Here
Councilman Wessels	Here
Councilwoman Witt	Here

Also present for the meeting were:

City Administrative Officer Jill Bailey
City Attorney Todd McMurtry
Police Chief Marc Schworer
Fire/EMS Chief Steve Schewe
Public Works Director Jeff Bethell
City Clerk Susan Ellis

CITIZEN COMMENTS/GUESTS

Roger Kuchle address the Council regarding comments that were made at the last council meeting stating that they were disparaging, and he wanted to set the record straight. He stated that the Dixie Highway/Kyles Lane improvement plan had been changed and that the issue was not about a temporary easement but the permanent taking of leased property. He said that Mayor Hatter and Attorney Todd McMurtry made false statements. Mr. McMurtry responded that Mr. Kuchle's lawsuit and appeal were not well founded and he expects that the Kentucky Supreme Court will reject the review. Mr. Kuchle requested an apology from Mayor Hatter and Mr. McMurtry. Mayor Hatter responded that if what he said was false then he apologizes and is sorry he misspoke. Mr. McMurtry did not apologize stating his comments were based on the lawsuit that has lost at two levels and will probably lose at a third level. Mr. McMurtry stated that the City was not a party in the lawsuit and that the proper party is the Kentucky

Department of Transportation. Mayor Hatter closed the discussion asking Mr. Kuchle to have his attorney contact the City Attorney.

John Chamberlain – VanGorder, Walker & Co., Inc. CPA (Audit)

Mr. Chamberlain presented the Fiscal Year 2017-2018 Audit to the Council.

- The financial statements are fairly presented.
- There are no material weaknesses.
- There are deficiencies regarding segregation of duties and lack of control for financial reporting.
- There were no compliance issues.
- There were seven management comments and four to five of these items have already been addressed. The remainder will be corrected in the future.
- The only liabilities the City is carrying is the unfunded liability to KRS and vacation payable.
- This is the first year that OPEB is required to be put on the financial statements.
- Council was encouraged to review and understand the financial statements.

Mayor Hatter thanked Mr. Chamberlain and VanGorder, Walker & Company. He stated that Von Lehman's recommendations were in alignment with the audit. The audit and supporting documents will be posted to the website.

MINUTES

Councilman Hoerlein left the meeting early.

Councilman Wessels made a motion to approve the minutes of the December 19, 2018 Special Meeting. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Councilwoman Witt made a motion to approve the minutes of the December 19, 2018 Caucus Meeting. Councilman Wall made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Councilman Abeln made a motion to approve the minutes of the January 2, 2019 Council Meeting. Councilman Wessels made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Councilman Feinauer made a motion to approve the minutes of the January 16, 2019 Special Meeting. Councilwoman Witt made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Councilman Abeln made a motion to approve the minutes of the January 16, 2019 Caucus Meeting. Councilman Wall made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

UNFINISHED BUSINESS:

5 Year Road Plan

City Administrator, Jill Cain Bailey, provided the background and process of the previous plan in place as well as the much-needed review. The list over-all has remained the same. Some projects for 2019 and 2020 were switched around. Others, rather than a full replacement, would be resurfaced. The 5 Year Road Plan will continue to be reviewed each year and projects reevaluated depending upon conditions and budget constraints. Mayor Hatter commented that objective measures were employed using the factors and process as determined by the city engineer.

Council approved of the updated plan. The road plan documents will be updated on website.

NEW BUSINESS

Smoothie King Development Proposal/KCPC Recommendation

Mr. Andy Videkovich of Planning and Development Services of Kenton County presented the revised development proposal. Smoothie King is proposing a drive through and indoor seating, which according to the Fort Wright zoning ordinance definition, is considered to be a combo restaurant. Off street parking calculations are based on the type of restaurant. The location is the Planet Fitness site on the part of property down the hill closer to Texas Road House. Mr. Videkovich referred to the original plan versus the revised plan which included an additional nine parking places and moved the dumpster to the rear of the property. What is being proposed is in compliance with the zoning ordinance, however, the concern is the parking calculation for the proposed use. The original plan included eight parking places. The revised plan includes 17. Based upon calculations, there is a need for 25 spaces plus additional spaces for employees. Shared parking is not available. It is believed that the 17 spaces would be "appropriate and possible".

In response to Council questions, Mr. Videkovich provided the following information:

- Shared parking with Texas Road House is not really possible.
- On-street parking also is not possible.
- The parking space calculation is based upon the total square footage within the walls, not upon the actual seating area.
- The applicant could consider seeking an appeal with the Board of Adjustment.
- The City could do a text amendment.

The applicant, Todd Reyling, representing Smoothie King, provided information about the background of Smoothie King.

- The franchisee is the same as that of Planet Fitness.
- 70% of Smoothie King business is done through the drive through.
- A maximum of four employees will be working at any one time and will park at Planet Fitness.
- On average, they traffic is 250 cars per day with peak activity of 30 cars per hour between 2:00 and 6:00 PM.
- Hours are 7:00 AM to 9:00 PM Monday through Saturday and 8:00 AM to 8:00 PM on Sunday.
- The drive through can accommodate a seven to eight car stack.
- The menu is drink only marketed as a healthy meal option with some bagged snacks.
- Average service time is 3 minutes 8 seconds, so customers move through quickly.
- The blenders are noisy, so it is much more attractive to get a smoothie and leave.
- The facility is a "Grab & Go" concept.

Options were to refer this issue to the Board of Adjustment, seek a text amendment, or both. The Board of Adjustment does not have authority to change code. The timeframe and timing constraints were discussed. It was suggested that seating be capped, and the applicant was agreeable to a seating restriction. Time constraints could be met by scheduling a Special

Meeting before the next Caucus Meeting for the first reading and then do the second reading at the next regularly scheduled council meeting.

Councilman Wessels made a motion to approve the plan as presented with the addition of a seating cap. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Text Amendment Request CC Zone – Roger Schroder

The Community Commercial (CC) Zone does not permit specifically an auto laundry, however, it is specifically named in the Highway Commercial zone. One option discussed was adding an auto laundry as a permitted use to the CC Zone which would require a text amendment. The other option would be to rezone the area as Highway Commercial, but the area in question does not meet minimum of 5 acres. Mr. Schroder stated that if more than 5 acres was required, he would like to add more than 5 acres to the area. He stated that he had planned to ask to have 5 acres rezoned as his future plans were to add a data center. Currently this area and surrounding areas encompass multiple zones. The Z21 plan when implemented will attempt to condense zones. If the entire area were to be zoned as Highway Commercial, it would accommodate the proposed car wash. It would still be necessary to add a data center as a permitted use. It was determined that the Economic Development would review this and make recommendations.

Municipal Order 02-19 - Disposal of Surplus Property

City Attorney Todd McMurtry read the Municipal Order.

Councilman Feinauer made a motion to approve the Municipal Order. Councilwoman Witt made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

CAO REPORT

City Administrative Officer Jill Cain Bailey referred to her written report and the Ongoing Issue List Review/Update both of which had been included in the meeting packet. She reported that Duke Energy has been onsite all week swapping out light fixtures. The new lights are a nice addition as well as a cost savings. Public Works has been painting and cleaning in the City Building.

DEPARTMENT REPORTS

Administration/Finance - City Clerk Susan Ellis reported that some delinquent tax payments have been received. Four Personal Property Tax payments and 34 Property Tax payments are still outstanding. 14 of the Property Tax payments are on properties that currently have liens. The February delinquent tax bills will be going out by the end of the week.

Fire/EMS Department - Fire Chief Steve Schewe reported that some residents have experienced water damage loss due to pipes freezing. He emphasized the need to know how to turn the water off should it become necessary.

Police Department - Police Chief Marc Schworer reported that Officer Nichols started the Academy on Monday and passed all the physical requirements. An ad has been published to hire a replacement for Officer VonHandorf who left in December. The last of the surplus vehicles has been sold.

Public Works - Public Works Director Jeff Bethell reported that winter has been keeping the department busy with plowing, salting, repairing potholes, and clearing catch basins. The City has received the grant money for litter abatement grant which will be used for roadside cleanup throughout the year. Mayor Hatter commented that the City has been receiving great feedback through social media. He stressed that if residents are aware of potholes, to please communicate that to the City so that they can be repaired but to be aware that some streets in Fort Wright are state routes for which the State of Kentucky is responsible for the repairs. In extreme cases, the City might be able to fix some, but it is ultimately the State who is responsible. Mr. Wessels commented that in those cases, the City needs to track labor and cost.

Legal Counsel - City Attorney Todd McMurtry requested that he provide his update in closed session. Regarding the Devou project, permit applications have been submitted and are expected to be reviewed by end of week. Rob Himes will be working with Kyle Winslow to expedite.

SPECIAL ANNOUNCEMENTS

There is a Board of Adjustment Meeting Tuesday, February 23, 2019 which pertains to Walgreens and Mr. Kuchle.

Employee Recognitions/Special Thank Yous

- Dave Wigger thanked officers Millay and Hampton for going the extra mile to help his son with his car issue.
- The Ellison Family provided pizzas and doughnuts to Police Department for their assistance in finding their dogs.
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Other Comments

- Clean Up Fort Wright Day will be Saturday, April 6, 2019 from 8 AM to 12 PM. Donna Wessels will be assisting with organizing the event. The City will provide t-shirts and supplies. Lunch will be provided by Sub Station. Wear long pants and bring gloves.
- Shred Day is scheduled for Saturday, April 13, 2019.
- There will be a Northern Kentucky Legislative Forum meeting at Beechwood on Saturday, February 16, 2019. This is a great opportunity to hear from local legislators and share thoughts.
- The Mayors' Chili Cookoff will be Friday, March 1, 2010 at the Ludlow Senior Center.

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Feinauer made a motion to adjourn the Council Meeting to Executive Session pursuant to KRS 61.810, Paragraph(c), discussions of proposed or pending litigation. Councilman Wall made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

The Regular Council Meeting was adjourned at 8:55 PM.

Respectfully Submitted,



Dave Hatter, Mayor

Attest:



Susan Ellis, City Clerk