

## CITY OF FORT WRIGHT, KENTUCKY REGULAR COUNCIL MEETING

03/05/08 – 6:00PM

Mayor Weaver called the meeting to order with a Pledge of Allegiance and a moment of silence. The following members answered roll call, Mr. Bernie Wessels, Mr. Joe Averdick, Mr. Dave Hatter, Mr. Adam Feinauer, Mr. Joe Nienaber Jr. and Mr. Scott Wall. Also present were City Administrator Larry Klein, City Attorney Pete Summe, Police Sergeant Randy Newsom, Fire/EMS Chief Steve Schewe, Public Works Director Tim Maloney and City Clerk Joyce Woods.

Motion by Mr. Hatter, second by Mr. Wall to approve the minutes of the 02/06/08 Regular Council meeting. Roll call vote taken, Wessels, Averdick and Feinauer voting in favor, Nienaber abstained, no one opposed. Motion passed.

Motion by Mr. Nienaber, second by Mr. Averdick to approve the minutes of the 02/21/08 Special Council meeting. Roll call vote taken, Wessels, Hatter, and Wall voting in favor, no one opposed. Motion passed.

Proclamations were presented to Tyler Griesse and Zack Westbrook, two Eagle Scout Candidates, members of Troop 717 of Lakeside Christian Church in Lakeside Park. This is for the work they did in the Nature Center. Steps were built near the kiosk at Augusta Avenue and 32 trees were planted near the lake and dam area. Construction and installation of two fishing docks at the lake was also done. Mayor Weaver thanked the boys and their parents for doing their projects in Fort Wright.

### Battery Hooper Park

Mark Brueggemann, Phil Partridge and Gary Wolnitzek were in attendance at the meeting regarding the Battery Hooper Park Plan Improvements. Information was presented that was discussed at the last meeting, with the cost broke down line by line. Mr. Brueggemann advised there were no surplus dollars in the estimate for Phase I. He will answer any questions that

Council may have. Discussion and suggestions followed. Mr. Nienaber advised he doesn't think he is ready to take action on this tonight. Mr. Brueggemann advised that we are on a tight time frame to put this plan out to bid and award it before July 1, 2008. Mr. Wessels suggested that we have Mr. Brueggemann put this out to bid and see what they come back for. Mr. Brueggemann stated that he would like to also have a couple of alternate bids to reduce the scope of the project in case they would come back high. Motion by Mr. Wessels to move forward with the bid process, second by Mr. Averdick. Roll call vote taken, Hatter, Wall, Feinauer and Nienaber voting in favor, no one opposed. Motion passed.

#### Sidewalks on Vidot Court

Council asked that this item be placed on the agenda for discussion. Mr. Herold of Vidot Court has been to previous meetings asking Council to consider installing sidewalks on Vidot Court. Mr. Brueggemann advised that with ADA requirements there would have to be transitions made at every driveway because of the different heights. Mr. Klein advised that it would cost about \$85,000.00 to put sidewalks on one side of the street. There are about 45 parcels on Vidot Court and each homeowner would be assessed about \$1900.00. That doesn't include legal cost to assess the property owners and only one side of the street would get the sidewalks. There also would be a question of who would maintain them. It was decided to have Mr. Herold give us some feedback of the other neighbors on the street as to their preference for sidewalks and if they are willing to pay.

#### Second Reading of Ordinance 3-08 – Interlocal Agreement – Amsterdam Road

Mr. Summe read this Ordinance in summary. Motion by Mr. Hatter, second by Mr. Feinauer to approve. Roll call vote taken, Wessels, Averdick, Nienaber and Wall voting in favor, no one opposed. Motion passed. Mr. Brueggemann stated that there is not an option to safely keep this road open during construction. He could not recommend this, and it would be creating safety issues. He suggests that we close the road completely and get the project done as quickly as possible. It was suggested to notify residents and drivers well ahead of time. This will probably be a three month project.

#### Resolution 9-08 – Bond Inducement – Wright's Summit

Mr. Wessels advised that since his company is involved with this Resolution he will not participate in discussion or vote on this issue. Mr. Summe read this Resolution in summary. Dean Spoor, Bond Counsel for Wessels Company, addressed Council and stated that this is the second round of special revenue bonds issued for Wessels, with no liability for the City for the

purpose of the second phase of Wright's Summit. Motion by Mr. Hatter, second by Mr. Nienaber to approve. Roll call vote taken, Averdick, Feinauer and Wall voting in favor, no one opposed. Motion passed.

#### Presentation by United Development Group – Zoning Text Amendment Request

Mayor Weaver advised about a year ago a presentation was made regarding three luxury condominium building development on Madison Pike across from TANK bus garage. The developers have been in contact with NKAPC to have these buildings fit in with the Town Center Form District. He showed the concept of the buildings with retail office space in the front and underground parking. There will be two buildings instead of three. Mr. Klein advised there are proposed text amendment revisions that will be submitted to NKAPC by the City and then come back to Council for final approval. Motion by Mr. Hatter to submit a text amendment to NKAPC as stated in Attachment A, motion seconded by Mr. Averdick. Roll call vote taken, Nienaber, Wall, Feinauer and Wessels voting in favor, no one opposed. Motion passed.

#### Second Reading of Ordinance 4-08 – Council Meeting Times

Mr. Summe read this Ordinance in summary. This establishes the time of 6PM, the first and third Wednesday of the month for Legislative and Caucus meetings for the City of Fort Wright. Motion by Mr. Hatter, second by Mr. Feinauer to approve. Roll call vote taken, Wessels, Averdick, Nienaber and Wall voting in favor, no one opposed. Motion passed.

Mr. Roger Kuchle addressed Council and stated at the last Council meeting, Resolution 5-08, a CMAQ application for Kyles Lane and Dixie Highway realignment was passed by Council. He advised this really puts a stop to the proposed Walgreens store on his property. This will not only have an impact on this development but also have an impact on other businesses if the realignment goes through as is stated on the application. Mr. Kuchle stated that two businesses in particular, Frisch's and Guardian Savings Bank didn't know anything about the fact that this would close the entrance off of Kyles Lane. He spoke about traffic signals and how they would affect the Tower Hill Plaza businesses. Mr. Kuchle advised that he had been to Frankfort that day and met with different officials regarding the City supporting an alternate plan for the road. Mayor Weaver advised that all the Resolution stated was that the City supports re-alignment of Kyles Lane and George Huser Drive, not picking a certain plan, just a realignment of these streets.

Martha Kuchle addressed Council and stated that what she got out of the meeting in Frankfort, was that they wanted an amended Resolution so there are two options to look at and have a

viable way to choose the best plan. Mayor Weaver advised he would like to have a letter from the State requesting this additional information and if they send this letter it will be considered by Council at that time.

Mr. Kuchle asked about changing the zoning on his property and Mr. Summe advised he needs to go to the NKAPC and whatever they recommend will come back to Council for a vote.

#### First Reading of Ordinance 5-08 – Transfer of Property to City of Park Hills

Mr. Summe read this Ordinance in summary. This land abuts Notre Dame Academy and is in the City of Fort Wright. Both Mayors and The Sisters of Notre Dame approve of this land transfer. Motion by Mr. Nienaber, second by Mr. Wall to approve. Roll call vote taken, Wessels, Averdick, Hatter and Feinauer voting in favor, no one opposed. Motion passed.

#### Resolution 7-08 – Disposition of Surplus Property

Mr. Summe read this Resolution. This is a Toshiba copier, with no value. Motion by Mr. Averdick, second by Mr. Feinauer to approve. Roll call vote take, Wessels, Hatter, Nienaber and Wall voting in favor, no one opposed. Motion passed.

#### Resolution 8-08 – Collective Bargaining

Mr. Summe read this Resolution. Motion by Mr. Nienaber, second by Mr. Hatter to approve. Roll call vote taken, Wessels, Averdick, Feinauer and Wall voting in favor, no one opposed. Motion passed.

#### Executive Order 3-08 – Appointment to Vision Committee – Juanita Mills

Mr. Summe read this Executive Order. Motion by Mr. Feinauer, second by Mr. Nienaber to approve. Roll call vote taken, Wessels, Averdick, Hatter and Wall voting in favor, no one opposed. Motion passed.

#### Executive Order 4-08 – Appointment to Vision Committee – John Durkin

Mr. Summe read this Executive Order. Motion by Mr. Feinauer, second by Mr. Wall to approve. Roll call vote taken, Hatter, Wessels, Nienaber and Averdick voting in favor, no one opposed. Motion passed.

#### Executive Order – Appointment to Museum Board – Linda Hornsby

Mr. Summe read this Executive Order. Motion by Mr. Averdick, second by Mr. Nienaber to approve. Roll call vote taken, Hatter, Wall, Wessels and Feinauer voting in favor, no one opposed. Motion passed.

#### Ridgewood Drive Sanitary Sewer CIP

Mr. Klein reminded Council that at a previous meeting, Council approved spending \$6070.00 as their share of the storm water improvements on Ridgewood Drive. Since that time the Sanitation District #1 has recommended upsizing the capacity from a 30" pipe to a 36" pipe. The City's proposed share will now be \$12,225.00. This is a much needed improvement in this area and worth the extra money. Motion by Mr. Nienaber to fund this project at the additional cost, seconded by Mr. Hatter to approve. Roll call vote taken, Wall, Feinauer and Wessels voting in favor, no one opposed. Motion passed. Mr. Averdick abstained as this project abuts his property.

#### Snow Emergency Ordinance

Mr. Averdick asked that this item be placed on the agenda. He stated that he had residents call or talk to him regarding the snow emergency Ordinance. Mr. Averdick thinks we need to do a better job communicating with the residents and being reasonable in issuing citations. Encourage residents to sign up on the website program to receive notifications of snow emergencies, meetings, projects in the City and any other information pertaining to the residents. Mr. Klein advised we do have a beginning and end time to the snow emergencies. Mr. Maloney stated a lot of the timeframe depends on the temperature for the rest of the time of the snow emergency. Mr. Nienaber suggested we need to revisit this Ordinance and clarify some of the language in it. Mr. Maloney stated that it is a lot easier for Public Works to do their job when the cars are off of the street, and also it is a safety issue for residents. Mayor Weaver suggested appointing a committee to come up a reasonable way to handle snow emergencies. Mr. Nienaber and Mr. Wall and a representative from each department will make up this committee.

#### Bids for Surplus City Property – Police Vehicle

We received one bid for a surplus vehicle, a 1996 Crown Victoria, from Jim Bradley, Pike 27 Auto in the amount of \$ 810.00. Motion by Mr. Hatter, second by Mr. Feinauer to accept the bid. Roll call vote taken, Wall, Wessels, Nienaber and Averdick voting in favor, no one opposed. Motion passed.

#### Administrator Report

#### Model Sign Regulations Update

Mr. Klein included in the packet what the model sign regulations are going to be, and is really a departure from past regulations. Mr. Klein encouraged Council to read over this material.

#### KPDES Phase II 2007 Annual Storm Water Report

Tells what your annual storm water fee is used for, and addresses different elements.

#### Museum Update

Received a \$100.00 donation from St. Elizabeth Med Center for a display.

#### Brent Spence Bridge Advisory Committee Meeting

Attended meeting on February 25<sup>th</sup> and it will take longer, until 2011 to get the environmental permit that they need for this plan. Actual construction would begin in 2015.

#### Council Committee Reports

##### Legal Matters

Ms. Classic Car Wash – Board of Adjustment upheld decision by Zoning Administrator. The car wash is filing an appeal and complaint.

##### Long Range Plan

Vision Committee meeting on 3-06-08 at 11:30AM.

Motion by Mr. Nienaber, second by Mr. Feinauer to adopt a Resolution opposing HB729, allowing the state to collect occupational and business taxes for the cities. Roll call vote taken, Hatter, Wessels, Wall and Averdick voting in favor, no one opposed. Motion passed.

Mayor Weaver suggested disbanding the standing City Council Committees and appoint committees as needed. Council advised that they are OK with that.

Police Sergeant Randy Newsom reported that there were three burglaries in the area, with two arrests and a warrant issued on the third person. Some property was recovered on these thefts.

There will be Senior Crime College on April 8<sup>th</sup> at South Hills Community Center from 10:00-11:30AM. This is sponsored by Fort Wright Police Department, Kenton County Attorney's Office and Kentucky Attorney General's Office. To sign up for this class just call the Fort Wright Police Department.

Motion by Mr. Hatter, second by Mr. Feinauer to adjourn the meeting. All members voting in favor, no one opposed. Motion passed.

Respectfully Submitted,



Attest:



Joyce Woods, City Clerk