

CITY OF FORT WRIGHT, KENTUCKY COUNCIL MEETING MINUTES

MAY 6, 2009 – 6:00PM

Mayor Nienaber opened the meeting with the 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. Scott Wall and Mr. Todd McMurtry. Also present were City Administrator Gary Huff, City Attorney Pete Summe, Fire/EMS Chief Steve Schewe, Police Sergeant Randy Newsom, Public Works Director Tim Maloney and City Clerk Joyce Woods.

Citizen Comments

Dave and Michelle Middendorf, residents of 1410 Vidot Court addressed Council regarding the pit bull in residence at 1417 Vidot Court. They stated that this animal has already attacked two smaller animals and are afraid that children playing in the neighborhood may be the next targets. Mayor Nienaber stated that we do have a nuisance and vicious animal ordinance on the books and have used it in the last year to solve a problem on Fort Henry Drive.

Valerie and Larry Saunders addressed Council and stated that their dog was one that was attacked. Ms. Saunders advised that she called 911 and has not had a call back or did not see an officer respond. Mayor Nienaber advised that the City will follow up and action will be taken.

Mr. Fambry, the owner of the dog was present and he advised that the dog would always be restrained while outdoors. Two Police Officers visited his residence since the attacks and the dog did not even bark at them. Mayor Nienaber stated that the dispatch calls would be checked to verify.

Approval of Minutes

Motion by Mr. Feinauer, second by Mr. Wall to approve the minutes of the 04/01/09 Regular Council Meeting. Mr. McMurtry abstained, all other members voting in favor, no one opposed. Motion passed.

Motion by Mr. Feinauer, second by Mr. Hatter to approve with an amendment that more information is included in the part of the minutes that describes the de-annexing of the properties on Pinehurst Drive. Mr. Averdick abstained. All other members voting in favor, no one opposed. Motion passed.

Second Reading of Ordinance 8-09 – Amended Appropriation Ordinance

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

Second Reading Ordinance 9-09 – Advanced Life Support Agreement – Transcare

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

Wright's Summit – Temporary Signage

Mr. Jay Bayer of Bayer-Becker addressed Council and introduced Kevin Atwell, owner of the property that was to be developed for luxury auto dealerships. Mr. Atwell stated that the proposed dealerships at this time in the economy are slim to none. They are looking for other opportunities and are hoping that someone will develop this prime property. He had a sample of the signage that they would like to place on this site. It advertised acreage, sale, lease and build to suit. Mr. Atwell stated that they wanted to have the signage approved before the land was listed with a third party. Motion by Mr. Hatter, second by Mr. McMurtry to approve. Roll call vote taken, Averdick, Feinauer and Wall voting in favor, Wessels abstained, no one opposed. Motion passed.

Walgreens Stage II Development Plan – Landscaping and Signage (2-09-04-05/1967R)

Mr. Bob Mooney and Mr. Mike Ricke from Anchor Properties were present at the meeting to present the Stage II Development Plan. They went over the landscaping and pointed out where there would be a mixture of shrubs, flowering plants, gingko trees and substituting white horse

fence behind the building replacing some of the shrubs. They will apply to the Transportation Cabinet for an encroachment permit to allow the fencing and shrubs.

An application has been submitted for a hearing before the Board of Adjustment, which will be on May 19, 2009 at 6:00PM. They are proposing to ask to be allowed an LED display sign with changeable copy and to increase the maximum sign area of freestanding ground signs from 50 square feet to 173 square feet.

After much discussion and questions from Council there was a Motion by Mr. McMurtry that we accept the Anchor Property proposed landscape plan that was in our council packet as is. As part of the same request we move to accept the modified sign proposal, which would permit 1 monument sign without an electronic reader board as depicted on the Cole and Russell design. This would be situated on Kyles Lane and that we also permit 1 monument sign to the extent of Council's authority, with an electronic reader board with the dimensions identified on the Cole and Russell Architects plan on Dixie Highway and be limited to changes 2 times in a 24 hour period. In addition Walgreens can adjust or change this sign provided that this sign is not flashing or scrolling. Should there be a public safety announcement that Walgreens chooses to post on the board that it would not be in violation of the agreement of the sign changing 2 times a day. That the signage on the building, as depicted in the Cole and Russell Architect drawing provided to us also be approved. The management of Walgreen has the discretion to allow the City of Fort Wright to post messages on the sign as he sees fit. Motion seconded by Mr. Averdick to approve. Roll call vote taken, Hatter and Feinauer voting in favor, Wall voting no, Wessels abstained. Motion passes 4-1 with one member abstaining.

St. Agnes Circle and Vidot Court Roadway Reconstruction- Award of Bid

Mark Brueggemann addressed Council regarding the bids received on April 24, 2009, for the reconstruction of the roadway on St. Agnes and Vidot Court. The low bid was \$530,483 by M & W Excavation. This project was expected to cost over \$800,000, so this is a substantial savings. This will be a complete removal and replacement of pavement. Motion by Mr. Averdick, second by Mr. Wessels to approve. Roll call vote taken, Hatter, McMurtry, Feinauer and Wall voting in favor, no one opposed. Motion passed.

First Reading of the 2009-2010 Budget Ordinance

Mr. Summe read this Ordinance in summary. A copy of the 2009-2010 Budget is included in the packet for approval. This will be a very lean year as we are anticipating spending \$183,000. more than the revenue coming in. Thanks to Mr. Huff and the Finance Committee for all the work they provided in getting this budget ready for the coming year. Motion by Mr. Hatter,

second by Mr. Averdick to approve. Roll Call vote taken, Wessels, McMurtry, Feinauer and Wall voting in favor, no one opposed. Motion passed.

Discussion – Employee Free Choice Act

Mr. Hatter requested that this item be added to the agenda and stated that he thought this would be the most destructive piece of legislation for businesses in general. This would eliminate the secret ballot process so organizers of Unions can come into a business and as long as they have 50% approval of signatures they can organize in that business. The Northern Kentucky Chamber of Commerce has taken a stand against this and has asked members to take this back to local government for their opposition to this proposal. We will discuss this more at our next caucus meeting.

Covington Easement – Highland Avenue

The City of Covington has requested an easement for repair of the slippage of Highland Avenue past Bluegrass Swim Club. They would like to start a retaining wall in Fort Wright to repair this road. The City of Covington will maintain the retaining wall. Motion by Mr. Wessels, second by Mr. Hatter to authorize the Mayor to enter into an agreement with Covington to allow them to have a permanent easement from Fort Wright. All members voting in favor, no one opposed. Motion passed.

Administrator's Report

The grand opening of the playground at Battery Hooper Park will be on June 6, 2009 from 3-8:00PM. We will have food, drinks and entertainment available.

NKAPC will be considering re-zoning of property along Madison Pike, approximately 200 acres from Town Center Form District to various zones, taking it back to the previous zoning. This will be heard on Thursday, May 7th at 6:15PM at NKAPC office. This is an application by City of Fort Wright.

There was a meeting at the Gardens of Park Hills on May 6th from 4-8:00PM regarding the I-75 and Brent Spence Bridge Project. We would like to have information at the City Building for residents to look at. Mr. Wessels suggested having a meeting at the City Building for residents who were interested or may be impacted by this construction to have someplace to discuss this.

Department Reports

Fire /EMS Chief Schewe reported that we have three new members on the department, Christian Ritchie, Tony Morris and Tony Adams who graduated on Monday evening and three other new members starting in the next class.

Police Sergeant Randy Newsom stated that the police will be taking this dog issue very seriously and monitor it closely.

City Attorney Pete Summe stated that we are in the process of negotiating a settlement with Ms. Classic Car Wash.

Public Works Director Tim Maloney reported that the Water District contractor has started on St. Agnes near Park Road. Residents have been very co-operative and patient.

City Clerk Joyce Woods reported that we have collected three more delinquent property tax bills recently and have had inquiries on the Hazelwood property that has three years of back taxes due.

Mr. Feinauer thanked Tim Maloney and his department for having the vegetation cleared around the area.

The Fix-up day that was held at Fort Wright Civic Club had a very poor turnout; if we hold this event again we will advertise it differently and have it earlier in the year.

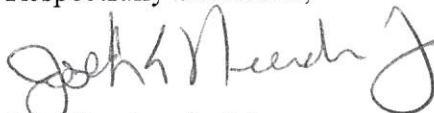
Mr. Andrew Tracy spoke to the Community Preservation Committee regarding holding the Hope Box Derby at Wright's Summit in September to benefit local charities. Representatives would like to come to the May Caucus meeting to address Council and present ideas.

Mr. Hatter stated that a speaker is still needed for the Memorial Day service.

Mr. Wessels would like to look at concerns Council has with the dispatch problems we are having.

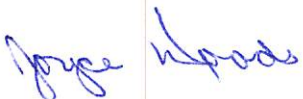
Motion by Mr. Averdick, second by Mr. Feinauer to adjourn the meeting. All members voting in favor, no one opposed. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joe Nienaber Jr.", with a large, stylized flourish at the end.

Joe Nienaber Jr., Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Joyce Woods", written in a cursive style.

Joyce Woods, City Clerk