

CITY OF FORT WRIGHT, KENTUCKY COUNCIL MEETING

July 06, 2011 – 6:00PM

Mayor Nienaber opened the meeting with a Pledge of Allegiance and a moment of silence. The following members answered roll call, Mr. Joe Averdick, Mr. Bernie Wessels, 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 Chief Dan Kreinest, Public Works Director Tim Maloney and City Clerk Joyce Woods.

Motion by Mr. Averdick, second by Mr. Feinauer to approve the minutes of the 04/06/11 Council Meeting. All members voting in favor, Mr. McMurtry and Mr. Wessels abstained, no one opposed. Motion passed.

Motion by Mr. Hatter, second by Mr. Wall to approve the minutes of the 05/04/11 Council Meeting. All members voting in favor, no one opposed, Mr. Averdick abstained. Motion passed.

Motion by Mr. Feinauer, second by Mr. Wessels to approve the minutes of the 05/18/11 Caucus Meeting. All members voting in favor, no one opposed, Mr. Averdick abstained. Motion passed.

Motion by Mr. Wessels, second by Mr. Hatter to approve the minutes of the 06/15/11 Municipal Road Aid Public Hearing. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Wall, second by Mr. Hatter to approve the minutes of the 06/15/11 Caucus Meeting. All members voting in favor, no one opposed. Motion passed.

Tea Party and Garry Edmondson Presentation.

Mayor Nienaber stated that at tonight's meeting there are three people signed up to speak regarding the NKAPC issue of that agency being called into question by local groups. Mr. Garry Edmondson is in attendance at the meeting to address Council as Legal Council for NKAPC. Mr. Garth Kuhnhein and Terry Donoghue representing the Tea Party were also present for the meeting. Mr. Tom Litzler was invited to the meeting, as a representative from Northern Kentucky Area Planning Council, but was unable to attend, but would like to be present at a later date.

Mr. Garth Kuhnhein, a member of the Tea Party addressed Council and introduced Terry Donoghue who would be going through the presentation as he explained it. After the presentation Mr. Kuhnhein stated that the purpose of the presentation was to show support and

get this issue on the November ballot and let the voters decide for themselves. Discussion followed.

Mr. Garry Edmondson, Legal Counsel for NKAPC addressed Council and gave his presentation. He stated that the function of NKAPC was to provide professional staff to KCPC. Discussion followed.

Mayor Nienaber read a letter from Tom Litzler, who was on vacation and could not attend. The letter will be entered into the record along with the minutes.

Mr. Tom Wurtz, a resident of Fort Mitchell, addressed Council as a taxpayer confused about the issues because they are complex. He stated that taxpayers have a right to ask questions to find out the truth.

Mayor Nienaber thanked everyone for attending the meeting and their input.

George Huser Drive – Re-surfacing

It was decided to try and get George Huser Drive repaved while the Highway Department was resurfacing Park Road and Dixie Highway. Mr. Maloney got quotes from three companies for pricing to do this work. Eaton Asphalt quote came in lower than the other companies and it was decided to have them complete this project. Motion by Mr. Hatter, second by Mr. McMurtry to approve the re-surfacing of George Huser Drive. Roll call vote taken, Wessels, Averdick, Feinauer and Wall voting in favor, no one opposed. Motion passed.

KLC Property, Liability and Workers Compensation Insurance

Mr. Huff stated that we met with Dale Klein, from Crawford Insurance, who is our representative with KLC for our insurance coverage. Property, Liability and Workers Compensation Insurance cost were reduced this year by roughly \$22,000.00, with the biggest drop in Workers Compensation coverage. Mr. Klein, at no cost to us, checks our rates and coverage and can give us recommendations if anything needs to be changed and it is a good service to the City. Crawford Insurance is also a certified bidder and can put our coverage out to bid if we choose.

Motion by Mr. Hatter, second by Mr. McMurtry to renew our insurance coverage with KLC, Roll call vote taken, Wessels, Averdick, Feinauer and Wall voting in favor, no one opposed. Motion passed.

Text Amendment to the Community Commercial Zone of the Fort Wright Zoning Ordinance

The Economic Development Committee has worked on this over the last year to update the CC Zone. Motion by Mr. Hatter, second by Mr. Feinauer to submit the revised Text Amendment to KCPC for approval. Roll call vote taken, Wessels, Averdick, McMurtry and Wall voting in favor, no one opposed. Motion passed.

Administrator's Report

Mr. Huff reported that the City will be hosting the Mayor's Group meeting on Saturday, July 16th at the South Hills Civic Club. There will be a Finance Committee meeting on July 12th at 7:30AM at the City Building. Vision Committee meeting on July 12th at noon and there will be an Executive Session after tonight's regular meeting to discuss legal matters.

Department Reports

Police Chief Dan Kreinest reported on two burglaries, one on Tuesday on Glazier Road and the second on Kennedy Road. These burglaries are happening in the early evening and an older model black Ford Taurus with damage to the right front fender, and dark tinted windows has been spotted in the area at the time of these incidents. If anyone can give us any information in these burglaries, we would appreciate it.

Public Works Director Tim Maloney reported that the severe storms that we had recently took a toll on various pavement, storm sewers etc. They have been cleaning this up since the storms occurred.

City Clerk Joyce Woods reported that we have collected two more of the delinquent tax bills that were pending.

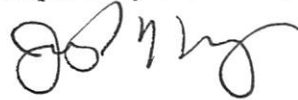
Motion by Mr. Hatter, second by Mr. Averdick to adjourn to Executive Session per KRS 61.810, paragraphs (b), (c), and (g). All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Averdick, second by Mr. Feinauer to authorize Mayor Nienaber to enter into litigation, to enforce the 2003 Sanitation District No. 1 agreement with the City of Fort Wright. All members voting in favor no one opposed. Motion passed.

Motion by Mr. Feinauer, second by Mr. McMurtry to adjourn back to legislative session. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Feinauer, second by Mr. McMurtry to adjourn legislative session. All members voting in favor, no one opposed. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joe Nienaber, Jr.", written in a cursive style.

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

To: Ft. Wright Mayor and City Council

Since I am out of town, I write to offer my views on one of your July 6th agenda items—Consideration of support for an NKAPC ballot initiative. Since we have had numerous discussions on the issue, I'm sure there is no doubt on my position.

I oppose your endorsement of this effort for several reasons, but primarily I can see no upside for our city. In my view, Ft. Wright has nothing to gain and everything to lose if the question goes to the ballot. I ask you to consider the following:

1. The idea and financing for the ballot initiative comes from the Home Builders Association. I'm certain that I do not need to point out their motivation for eliminating the NKAPC.
2. So called "Tea Party Members" have taken up the cause. Their primary reasons seem to be that it is an illegal organization since it only encompasses one county (although the courts have ruled it legal with one county back in 1983), and because it is the only such organization that exists in KY. Since when does being unique make something wrong? The concept and idea was created over 50 years ago by foresighted leaders who were able to view our area regionally. Because we were, and still are, a county with numerous governments, we are unique. What gives Tea Party members the right to tell your council what is best for our city? Are they even Ft. Wright residents?
3. I realize that some of you are dis-satisfied with the current operation of the NKAPC. It is not necessary to address those concerns now. What is necessary is to point out the make up of NKAPC - a government structure that has # 1.) equal representation (one elected official from every government unit involved), # 2.) transparency and accountability (where the budget and work program are approved annually by the NKAP Council of elected officials), and, # 3.) as elected officials you have final say as to Ft. Wright's level of participation in NKAPC programs. Under the present structure, you as a Council make the decisions that are best for our city.

But consider this, if the issue goes on the ballot, the decision making is out of your hands. If the majority of the voters in the county vote against NKAPC, the organization is eliminated. If Ft. Wright residents vote to keep NKAPC, but the majority of voters in the county vote against, Ft. Wright's choice will be null and

void and have no meaning. This is an important decision for our city and should be left in the hands of duly elected officials.

Finally, I wish to address a question that has already been asked by one of your members, and may be on the mind of others. "How can you be against putting something on the ballot and letting the people speak? It's the American Way."

But that is not true. If it were, why don't we put all or even more issues and questions on the ballot? Why not put the question of the Ft. Wright property tax on the ballot, or the insurance tax? Or how do people feel about the police and fire departments? Would they like to see them enlarged or cut down? Planning and Zoning of our community is no less important. Putting every question to the populace would make effective government impossible. The ballot allows emotions, personalities, and biases to enter the picture.

In this great country of ours, laws, regulations, and decisions are not generally placed on the ballot. Instead, we put people on the ballot. People who have made a sincere commitment to represent their fellow man as public servants. People who make a commitment to devote their time and talents in making the laws, regulations, and decisions that impact us all for years to come. People that are far sighted and able to separate fact from fiction when doing their due diligence on an issue. People that understand that decisions they make determine the quality of life for all their constituents today and in to the future. You are those people for all of us that call Ft. Wright home.

In closing, I thank you for consideration of my comments and pray that God be with you in this and all matters in our city.

Tom Litzler

505 Beaumont Crt.

Ft. Wright, KY 41011

859-331-1801