

**FORT MITCHELL CITY COUNCIL
REGULAR MEETING
December 2, 2013**

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Mayor Wiest called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT: Vicki Boerger, Mary Burns, Ray Heist, Frank Hicks, Jim Hummeldorf, and Kim Nachazel.

COUNCIL MEMBERS ABSENT: Dan Rice and Dennis Zahler

OTHERS PRESENT: Mayor Chris Wiest, City Attorney Rob Ziegler, City Administrator Chris Moriconi, Police Chief Jeff Eldridge, Public Works Director Dave Noll, Fire Chief Scott McVey and City Clerk Linda Carter.

CHANGE TO THE AGENDA

Mr. Heist made a motion to change the agenda by adding a resolution later in the meeting. Mr. Hummeldorf offered a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

APPROVAL OF MINUTES

Mr. Hummeldorf made a motion to approve the minutes of November 4, 2013. Mr. Hicks offered a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

PRESENTATION OF RESOLUTION

Mr. Ziegler read Resolution 2013-21 honoring the Beechwood High School Marching Tigers for their 2013 State Championship win. Mr. Hummeldorf made a motion to approve Resolution 2013-21, Mrs. Boerger offered a second. After asking for further discussion or questions and hearing none, the Mayor Wiest called for a voice vote. The motion carried by unanimous voice vote. Mayor Wiest presented Beechwood Band Director Joe Craig with Resolution 2013-21.

Mr. Hummeldorf suggested we update the Beechwood sign to include the Band's recent victories. Mr. Noll said he would get with the school and have a new sign made.

CITIZEN INPUT ON ITEMS NOT ON THE AGENDA

Robert Winter, Jr. of Edgewood informed Council that he is running for Kenton Circuit Court Judge. He reviewed his experience and announced he would try his best to help cities with their issues.

COMMITTEE REPORTS

Mr. Hummeldorf advised that the Public Safety Committee reviewed the three bids received for the new pumper truck. The Committee supports the Fire/EMS Department’s recommendation to purchase the custom rescue pumper from Seagrave Fire Apparatus. They also have formed a task force to look at improving volunteerism in the Fire/EMS Department. They will meet in January and plan to have recommendations within 90 days.

Mr. Noll advised the Building Committee met to review the preliminary plans for the addition and remodel of the City Building. They made some minor changes to the plans and are now awaiting the new drawings. The committee is considering doing a design-build.

CITY COUNCIL EVENT ANNOUNCEMENTS

None

CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Mr. Ziegler performed a reading of Ordinance 2013-33 – repealing section 93.01 of the City’s code of ordinances relating to Political Sign Placement. It is noted that the ordinance is probably unconstitutional and exposes the City to liability. Mr. Burns made a motion to approve Ordinance 2013-33, Mr. Hummeldorf offered second. After asking for further discussion or questions and hearing none, the Mayor Wiest called for a voice vote. The Mayor called for a roll call vote.

Mrs. Boerger:	No	Ms. Burns:	Yes
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Absent	Mr. Zahler:	Absent
Ayes: 5	Nays: 1	Absent: 2	Motion Passed.

Mr. Ziegler performed a reading of Resolution 2013-18 – approving and authorizing the Mayor to sign an agreement between the Kentucky Transportation Cabinet and the City relating to the installation and maintenance of a sign and landscaping in front of the Mercedes dealership. Mr. Hicks made a motion to approve Resolution 2013-18, Mr. Heist offered a second. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

Mr. Ziegler performed a reading of Resolution 2013 - 19 – approving funds to help support the Kenton County Government Study Group. Mrs. Nachazel made a motion to approve Resolution 2013-19, Mr. Hummeldorf offered a second. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

Mr. Ziegler performed a reading of Resolution 2013 - 20 approving the purchase of a custom rescue pumper from Seagrave Fire Apparatus. Mr. Hummeldorf made a motion to approve Resolution 2013-20

and accept the bid from Seagrave for \$559,651. Ms. Burns offered a second to the motion. After asking for further discussion or questions and hearing none, the Mayor Wiest called for a roll call vote.

Mrs. Boerger:	Yes	Ms. Burns:	Yes
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Absent	Mr. Zahler:	Absent
Ayes: 6	Nays: 0	Absent: 2	Motion Passed

Mr. Hummeldorf noted that they might auction off the old pumper or possibly donate to an Eastern Kentucky Department. He also thanked the committee and fire department for their hard work.

Mr. Ziegler performed a reading of Municipal Order 2013-23 approving payment to the Fort Mitchell Fire/EMS Department. Mr. Hicks made a motion to approve Municipal Order 2013-23 – authorizing Mayor Wiest to pay \$1,000 to the Fire/EMS Department. Mr. Heist offered a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

Mr. Hummeldorf made a motion to postpone indefinitely the first reading of Ordinance 2013-34 changing the size of City Council. Mr. Hicks offered a second to the motion. After asking for further discussion or questions and hearing none, the Mayor called for a roll call vote.

Mrs. Boerger:	No	Ms. Burns:	No
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Absent	Mr. Zahler:	Absent
Ayes: 4	Nays: 2	Absent: 2	Motion Passed

DEPARTMENT HEAD REPORTS

Chief Eldridge reported Officers Shane Best and Joel Tignor received an award for DUI Enforcement. Mayor Wiest complimented Officers Best and Tignor for their hard work. Chief Eldridge also reported he would be increasing patrols in our shopping areas.

Chief McVey thanked everyone for the work and support in reviewing the bids for the new pumper. He announced he would send out their monthly report as soon as it is completed. Fires caused two of our Fort Mitchell families to be displaced this month. Mayor Wiest stated the Fire Department did a great job stopping the fires and there were no injuries.

Mr. Noll reported the Public Works Department completed 1,400 square feet of sidewalk along Dixie Highway, Long Meadow and Orphanage Road this fall. The final push for street sweeping will happen this week.

CITY ADMINISTRATOR'S REPORT

Mr. Moriconi reported he is finalizing the RFP for Crestview Hills this week. It should be ready for review soon. They will submit it to Crestview Hills in January. All Council Members received a binder containing the Beechwood Road Study. There are over 20 recommendations to review. Mr. Noll said there are many things on the study that the Public Works Department will be able to correct easily. Mayor Wiest

asked the Council Members to please review Chapter 74 of the zoning code and make recommendations for changes to the speed in any area of the city they deem appropriate, so that we are not making changes in a piecemeal fashion, which adds costs to publishing ordinances.

Mrs. Boerger made a motion to approve and implement the Beechwood Road Study submitted by CDS Associates. Mr. Heist offered a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

MAYOR'S REPORT

The Mayor addressed a question he received as to why he did not veto Ordinance 2013-27 at the meeting that it was passed at. He said the Kentucky Revised Statutes require a written veto message mailed to each council member, which do not allow a veto message to be given orally at a meeting, and the Mayor did not know that the Ordinance was going to pass.

The Holiday Lights contest is going on now. Mayor Wiest asked all Council Members who would like to participate, please submit their votes for the best display in the City. The City will hold the annual tree lighting ceremony on December 8 at 5:45 pm followed by carriage rides and Light up Fort Mitchell.

Mayor Wiest reported he has received many calls about the status of the Drawbridge Inn. He reported that there is a possibility demolition would start as soon as the end of this year.

ADDITION TO THE AGENDA -LEGISLATION

Mr. Heist handed out Resolution 2013-22 to Mayor and Council Members. He asked Mr. Hicks to read the Resolution. Mr. Hicks read the resolution charging Mrs. Boerger with creating a fictitious electronic mail from a non-existent person, which was then forwarded to the administration. The content and purpose of the e-mail was to question and challenge the qualifications of a sitting City Council member with the intent and purpose to do that council member harm. The resolution charged Mrs. Boerger the following counts of misconduct in office: Count 1-Criminal conduct in office, Count 2-Breach of fiduciary duties causing harm to Fort Mitchell taxpayers, and Count 3-False statements to the City Council.

Mrs. Boerger adamantly denied creating a fictitious email. She stated she received two emails from a "Mary Lang" that she forwarded to Mayor Wiest and Chris Moriconi to handle. Mrs. Nachazel noted that the facts did not add up, including several emails which were sent to the email address that supposedly sent the email to Mrs. Boerger, which bounced, and the issue of why a person would choose to send an email to only Mrs. Boerger. After a lengthy discussion, Mr. Ziegler informed council there were some changes that he believed were necessary before the resolution could be considered. He explained that council members could not use the words "guilty" in the resolution and find Mrs. Boerger guilty of criminal conduct in office, since that is the job of a jury in a criminal trial, but could find that she committed misconduct in office and violated the counts.

Mr. Hummeldorf called for a five-minute recess to allow for time for Mr. Ziegler to make changes to Resolution 2013-22. Mr. Heist offered up a second. The Mayor called for a voice vote. The motion carried by unanimous voice vote. Recess began at 8:48 pm.

Mayor Wiest called the meeting back to order at 8:58 pm.

Mr. Ziegler performed a reading of the corrected version of Resolution 2013-22 charging Mrs. Boerger with misconduct in office. Mr. Heist made a motion to adopt Resolution 2012-22. Mr. Hicks offered a second to the motion. After asking for further discussion or questions and hearing none, the Mayor Wiest called for a roll call vote.

Mrs. Boerger:	No	Ms. Burns:	Abstain
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Absent	Mr. Zahler:	Absent
Ayes: 4	Nays: 1	Abstention: 1	Absent: 2
Motion Passed			

Mrs. Boerger made the motion to adjourn the Regular City Council Meeting at 9:01. Mr. Hummeldorf offered a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a voice vote. The motion carried by unanimous voice vote.

Signed Jan. 6, 2013



Christopher Wiest, Mayor

Minutes Prepared and
Signature Witnessed By:



Linda Carter, City Clerk