

CITY OF FORT MITCHELL, KY

CITY COUNCIL MEETING

January 7, 2013

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE/ ROLL CALL**

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

**PRESENT:** Vicki Boerger, Mary Burns, Ray Heist, Frank Hicks, Jim Hummeldorf, Kim Nachazel, Dan Rice and Dennis Zahler.

**Others Present:** Mayor Chris Wiest, City Attorney Rob Ziegler, City Administrator Brian Houillion, Police Chief Jeff Eldridge, Public Works Director Dave Noll, Assistant Fire Chief Dave Jansing, City Clerk Martha Allen, Gerry Dusing of Adams, Stepner, Woltermann and Dusing, Bernie Moreno President of the Collection Auto Group, and Adam Davey of Von Lehman.

**APPROVAL OF THE AGENDA**

**Mr. Zahler made a motion to approve the Agenda.** Mr. Rice 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.**

**HOLIDAY LIGHT CONTEST WINNERS**

The Mayor announced the winners of the 2012 Fort Mitchell Best Decorated House Contest. The following were the winning addresses:

1<sup>st</sup> Place Over-All 364 Longmeadow Lane (Paul and Kathleen Michels)

2<sup>nd</sup> Place Over-All 1923 Fortside Circle (Elizabeth Fragge)

3<sup>rd</sup> Place Over-All 301 Cherrywood Drive (Jerome and Kathryn Theobald)

Honorable Mention: 26 Woodlawn Avenue (Kelly and Melissa Burns --who would have won, but won last year)

Area #1 1923 Fortside Circle (Elizabeth Fragge)

Area #2 27 Beechwood Drive (Andrew and Janelle Haws)

Area #3 364 Longmeadow Lane (Paul and Kathleen Michels)

Area #4 86 Thompson Avenue (Maurice and Margaret Halpin)

Area #5 82 Orphanage Road (Vince and Patty Gohs)

Area #6 77 Pleasant Ridge Avenue (Berger Trust)

Business winner: 250 Grandview Road (Hemmer Building)

**CONSENT AGENDA**

Mr. Hummeldorf presented the background behind **Municipal Order 2013-01- Consent Agenda.**

The Council discussed Municipal Order 2013-01. **Mrs. Boerger made a motion to table**

**Municipal Order 2013-01.** Mr. Rice made a second to the motion. Additional discussion ensued.

Upon the conclusion of discussion, the Mayor asked if there was any further discussion or questions and hearing none, and then called for a roll call vote.

**Mrs. Boerger: Yes**

**Mr. Heist: No**

**Mr. Hummeldorf: No**

**Mr. Rice: Yes**

**Ayes: 3 Nays: 5**

**Ms. Burns: No**

**Mr. Hicks: No**

**Mrs. Nachazel: No**

**Mr. Zahler: Yes**

**Motion Failed.**

The Council had more discussion on Municipal Order 2013-01. **Mr. Hummeldorf made a motion that we approve Municipal Order 2013-01.** Mr. Hicks made a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a roll call vote.

<b>Mrs. Boerger:</b>	<b>No</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Heist:</b>	<b>Yes</b>	<b>Mr. Hicks:</b>	<b>Yes</b>
<b>Mr. Hummeldorf:</b>	<b>Yes</b>	<b>Mrs. Nachazel:</b>	<b>Yes</b>
<b>Mr. Rice:</b>	<b>No</b>	<b>Mr. Zahler:</b>	<b>No</b>
<b>Ayes: 5</b>	<b>Nays: 3</b>	<b>Motion Passed.</b>	

The Mayor asked if any Council Member wanted to remove any items from the Consent Agenda. There were no requests by any member of Council to remove items from the Consent Agenda.

The Consent Agenda included approval of **Municipal Order 2013-02**, Appointing Mayor Wiest NKAPC Council Representative and Mrs. Nachazel NKAPC Council Alternate; **Municipal Order 2013-03**, Appointing Mayor Wiest OKI Representative; **Municipal Order 2013-04**, Appointing Mr. Hummeldorf MGLNKY Representative, Mr. Hicks, Alternate; **Municipal Order 2013-05**, Appointing Mrs. Boerger TBNK Representative; **Municipal Order 2013-06**, Appointing Cindy Burns and Robert Simmons to the Park Board for a two year term; **Municipal Order 2013-07**, Appointing Hariett Powell and Kathleen Michels to the Tree Board for a three year term; **Municipal Order 2013-08**, Appointing Carole Buckhout to the Ethics Board for a three year term; and **Municipal Order 2013-09**, Appointing Eric Dulaney to the Code Enforcement Board for the unexpired term and Jimmy Laird as Alternate member.

**Mr. Zahler made a motion to approve the Consent Agenda.** Mr. Hummeldorf gave 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.**

#### **SWEARING IN**

Circuit Judge Lisa Osborne Bushelman swore in all council members.

**Mrs. Boerger made a motion to table and amend the minutes of the December 3, 2012 meeting to add verbatim minutes pertaining to her question surrounding discussion of USA Hotel property.** Mr. Hummeldorf gave a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a roll call vote.

<b>Mrs. Boerger:</b>	<b>Yes</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Heist:</b>	<b>Yes</b>	<b>Mr. Hicks:</b>	<b>Yes</b>
<b>Mr. Hummeldorf:</b>	<b>Yes</b>	<b>Mrs. Nachazel:</b>	<b>Yes</b>
<b>Mr. Rice:</b>	<b>Yes</b>	<b>Mr. Zahler:</b>	<b>Yes</b>
<b>Ayes: 8</b>	<b>Nays: 0</b>	<b>Motion Passed.</b>	

#### **COMMITTEE ANNOUNCEMENTS**

The Mayor announced the members of the Committees for 2013.

#### **CITIZEN ADDRESS FOR ITEMS NOT ON THE AGENDA**

Mr. Bob Lee appeared before Council to congratulate them on their election wins. Mrs. Renee Oka appeared before Council to discuss Municipal Order 2013-01.

**DEPARTMENT HEAD REPORTS**

Chief Eldridge, Mr. Noll, Chief McVey, and Mrs. Allen gave reports for their departments.

**COUNCIL EVENT ANNOUNCEMENTS**

Mrs. Boerger announced the opening for the Wall of Honor nominations.

**NEW BUSINESS**

Mr. Ziegler performed a first reading of **Ordinance 2013-01** – Meeting Schedule. The Council discussed Ordinance 2013-01. Mr. Ziegler performed a first reading of **Ordinance 2013-02** – Committees

Mr. Ziegler performed a reading of **Municipal Order 2013-10** – Snow Removal. The Council discussed Municipal Order 2013-10. **Ms. Burns made a motion to approve Municipal Order 2013-10- Snow Removal.** Mr. Hicks gave a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a roll call vote.

<b>Mrs. Boerger:</b>	<b>Yes</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Heist:</b>	<b>Yes</b>	<b>Mr. Hicks:</b>	<b>Yes</b>
<b>Mr. Hummeldorf:</b>	<b>Yes</b>	<b>Mrs. Nachazel:</b>	<b>Yes</b>
<b>Mr. Rice:</b>	<b>Yes</b>	<b>Mr. Zahler:</b>	<b>Yes</b>
<b>Ayes: 8</b>	<b>Nays: 0</b>	<b>Motion Passed.</b>	

The Mayor presented **Resolution 2013-01** to extend fire/ALS contract with Crestview Hills and Lakeside Park for a period of one year to the Council for discussion. **Mrs. Boerger made a motion to approve the Resolution 2013-01 – Contract Addendum.** Mr. Hummeldorf gave 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 go to a brief recess.** Mr. Hicks gave 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.** The Council meeting went into recess at 8:10 pm.

The Council meeting reconvened at 8:14 pm.

**PRESENTATION**

Mr. Bernie Moreno President of the Collection Auto Group appeared before Council to present information on a text amendment to the Fort Mitchell zoning ordinances to allow luxury car dealerships in Fort Mitchell. The Collection Auto Group owns twenty-four luxury car dealerships in Cleveland. He stated that he runs the only dealership that has received the Mercedes Best of the Best award every year. Mr. Moreno stated that Mercedes approached him several months ago about opening up a dealership in the Northern Kentucky/Cincinnati market. After looking at a number of properties, they began looking at the USA Hotel Parcel, 2100 Dixie Highway. As part of that process, Mr. Moreno stated that he had a meeting and residents from the neighborhood surrounding the 2100 Dixie Highway property on December 19, 2012, who were invited to discuss any concerns they had. Many residents came to this meeting.

Mr. Moreno addressed with Council the concerns stated by the neighbors. First, for lighting, Mr. Moreno stated that GE Lighting will be showcasing their state of the art LED lighting at this dealership location. The light bulbs normally used at dealerships produce a good deal of heat and bright light which can run onto adjacent property. The LED lights are electrical and the amount of

light can be controlled so that it does not run onto adjacent property. Using the LED lights as compared to your average car dealership lights will use 85% less wattage.

Demolition of the hotel would be done with no explosives. It would be brought down using a claw system where large machines grab the roof and bring it down. Mr. Moreno stated that the hotel building was surveyed and they know that dust is a concern so that demolition plan has a dust control plan in it as well. Mr. Moreno noted that residents were concerned about rodents from the dealership dispersing during demolition, and that they have had the property inspected by an exterminator, and it revealed no rodents on the parcel. Noise control will also be taken into concern as there will be no jack hammers or things of that nature on site to take the building down. A website will also be created so that residents can stay updated on the demolition and construction and know exactly what's going on step by step. A schedule of demolition and construction will be posted on the website. To respect the safety of surrounding residents, a tight constructions schedule will be posted.

Traffic was a concern for residents. However, the dealership is actually a very low traffic generator. Once the dealership is built, the building and the landscaping will also protect residents from the noisy highway. The dealership also creates a low noise environment because it does not use indoor or outdoor paging which could disturb residents. The garage doors go up and down quickly to minimize residents' exposure to noise from the service area. For safety reasons, Mercedes sales persons only take designated routes for their test drives.

Adam Davey from Von Lehman appeared before Council to present what the economic impact would be on the community if the dealership were built. The financial benefits would come to the City and to the Beechwood School District through property taxes, payroll taxes and occupational license taxes. The net economic benefit to the City, county and local taxing districts is approximately 4.4 million dollars over a ten year period. The City's portion would be approximately 1.2 million dollars and Beechwood School District would receive approximately 2 million dollars over the same period.

Mr. Gerry Dusing of Adams, Stepner, Woltermann and Dusing appeared before Council to discuss the text amendment. The text amendment will change the existing zoning ordinance, but only to the extent that it will add luxury car dealerships to the permitted businesses allowed in that zoning area. The term "luxury car dealership" is defined as a dealership in which the baseline or average sticker price of the cars on the lot must exceed \$45,000.00. The sound and lighting issues are specifically addressed in the text amendment to remedy the problems that were discussed earlier.

Mr. Moreno presented the site plan to the Council showing that the landscaping will create a buffer between the dealership and adjacent neighbors. In addition, the entrance will be landscaped as to fit with the residential look of the area. No deliveries will be made during non-working hours. There is also a pest control plan in place. The Council discussed the text amendment.

Nathan Smith, who lives almost immediately behind the property appeared before Council to support having the Mercedes dealership in Fort Mitchell and he noted that the entire neighborhood is extremely supportive of the project – unlike other options, this use has minimal impact on neighboring property owners from an aesthetic, traffic, and other perspective.

Renee Oka appeared to speak to Council about her participation on the ad-hoc zoning committee. Mrs. Oka noted that the use of a luxury car dealership was raised in the committee, and Mrs. Oka stated that she and the rest of the committee was unanimous in its recommendation not to change the zoning ordinance to allow for a luxury car dealership in Fort Mitchell. Mrs. Oka was asked by

Mr. Hicks, Mr. Zahler, and Mr. Hummeldorf what the objections are to this use, and Mrs. Oka noted that she could not raise any specific concerns given the presentation by Mr. Moreno, but that she would rather see something else go in at the location such as a long term care facility.

Mr. Smith noted that Mrs. Oka did not live near the hotel, and have to deal with drug dealers and prostitutes walking through her yard, or having her home burglarized, as the neighbors to the hotel have had to deal with, and that the neighbors wishes, and not those of Mrs. Oka, should prevail.

Doug Boschert, who lives immediately behind the parcel, appeared before Council to support bringing the Mercedes dealership in the City.

Mr. Moreno was asked about other locations, and he noted that the group looked at sites for a long period of time throughout Northern Kentucky for a period of time, including Fort Wright, Covington, Circleport, and elsewhere.

Mrs. Boerger stated that with this location, it's the proximity to the residents and the entrance to the City, we need to proceed very cautiously. She stated that we need to dot our "i's" and cross our "t's" and mind our p's and q's on this project.

**Mr. Zahler made a motion to approve applying for and sending the text amendment to the NKAPC.** Mrs. Nachazel gave a second to the motion. After asking for discussion or questions and hearing none, the Mayor called for a roll call vote.

<b>Mrs. Boerger:</b>	<b>Yes</b>	<b>Ms. Burns:</b>	<b>Yes</b>
<b>Mr. Heist:</b>	<b>Yes</b>	<b>Mr. Hicks:</b>	<b>Yes</b>
<b>Mr. Hummeldorf:</b>	<b>Yes</b>	<b>Mrs. Nachazel:</b>	<b>Yes</b>
<b>Mr. Rice:</b>	<b>Yes</b>	<b>Mr. Zahler:</b>	<b>Yes</b>
<b>Ayes: 8</b>	<b>Nays: 0</b>	<b>Motion Passed.</b>	

The Mayor noted that the hearing before the Kenton County Planning Commission on the issue would be at 6:15 p.m. on February 7, 2013, at NKAPC offices on Royal Drive.

#### **CITY ADMINISTRATOR'S REPORT**

Mr. Houillion gave his report.

#### **MAYOR'S REPORT**

The Mayor gave his report, setting a planning meeting with the council for January 21, 2013 at 6:00 p.m. He further set special meetings on February 11, 2013, at 6:00 p.m., during which public comment on the text amendment proposal would be taken by residents and February 12, 2013 would be the second reading, at 7:30 p.m. The location will later be determined.

#### **EXECUTIVE SESSION**

**Mr. Zahler made a motion to enter Executive Session pursuant to K.R.S. 81.810(1)(c) and (1)(f),** discussions of proposed or pending litigation against or on behalf of the public agency and discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret. The grounds for the Motion are to discuss litigation without compromising the city's litigation position and to discuss personnel issues without embarrassing the member at issue.. Mr. Hummeldorf gave 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.**

The Council meeting went into Executive Session at 9:27 pm.

**Mr. Zahler made a motion to exit Executive Session.** Mrs. Nachazel gave 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.** The Council meeting exited Executive Session at 10:00 pm.

**ADJOURNMENT**

Mayor Wiest asked if there were any more reports or discussion. Being that there was no further business to address, Mayor Wiest asked if there was a motion to adjourn. **Mr. Hicks made a motion to adjourn the meeting and Mr. Heist offered a second to the motion.** Motion carried by unanimous voice vote, **the meeting adjourned at 10:01 p.m.**

Signed Feb. 4, 2013

  
\_\_\_\_\_  
Christopher Wiest, Mayor

Signature Witnessed By:

  
\_\_\_\_\_  
Martha Allen, City Clerk  
Deputy City Clerk  
Debbie Krueger