

**FORT MITCHELL CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 23, 2013**

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

Mayor Wiest called the meeting to order at 6:34 pm and led the Pledge of Allegiance.

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

**ABSENT:** Mary Burns

**OTHERS PRESENT:** Mayor Chris Wiest, Attorney Mike Duncan, City Administrator Chris Moriconi, Public Works Director Dave Noll, Police Chief Jeff Eldridge, and City Clerk Martha Allen.

**APPROVAL OF MINUTES**

**Mr. Hicks made a motion to approve the minutes of August 5, 2013.** 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.**

**Mr. Hummeldorf made a motion to approve the minutes of the meeting of August 19, 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.**

**Mr. Hicks made a motion to approve the minutes of the meeting of August 26, 2013.** 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.**

**NEW BUSINESS**

Mr. Duncan performed a first reading of **Ordinance 2013-22**, Text Amendment Changes, creating MBLU zone, changing definition of Hotel, making modifications to the LHS zone, MLU Zones, and CPUD zones. Council discussed proposed Ordinance 2013-22. Mrs. Boerger stated that she is concerned about permitting drive through restaurants in the text amendment. The Mayor stated that having a drive-thru restaurant is currently permitted without any sort of approval process, and, with this process, would be a conditional use and therefore requires a hearing and approval of the Board of Adjustments before it is permitted, and, furthermore, it would be part of public hearings and require the approval of the City Council in the Stage 1 and Stage 2 Development Plan approval process if it were to be allowed. The Mayor likewise noted that making the change now, as opposed to August when this was sent to the Planning Commission, means a material change, which would have to start the entire zoning process anew, and would leave the City unprotected in terms of control over the Drawbridge development for months.

**Mrs. Boerger made a motion to remove Section I(D)(2) from proposed Ordinance 2013-22 which allows drive-thru restaurants.** The motion failed for lack of a second.

Mrs. Boerger stated that she is concerned about the residential streets possibly being overburdened by the traffic from that this text amendment may allow.

The Mayor stated that we are going through this zoning process so that we can have a say in what the developer does with the property. Right now we have no input into the developer's plans. In addition, there is a section of the ordinance that specifically stated that the developer will address and correct traffic deficiencies. Mrs. Boerger and Mrs. Nachazel requested that a definition be added to the proposed ordinance defining what types of decisions may be referred to the City Administrator and what decisions must go before Council. The Mayor and Mr. Duncan stated that there are definitions and they can be added.

Mr. Duncan performed a first reading of **Ordinance 2013-23**, Text Amendment Changes, providing for Museums as a conditional accessory use, and providing for changeable copy signs. There was no discussion on proposed Ordinance 2013-23.

Mr. Duncan performed a first reading of **Ordinance 2013-24**, Text Amendment Changes, creating MBLU zone, DPUD zones. There was no discussion on proposed Ordinance 2013-24.

The Council discussed **Ordinance 2013-25**, Setting Council Size. Mr. Zahler made a motion to table **Ordinance 2013-25**, Setting Council Size until the October 7, 2013 meeting. Mr. Rice offered a second to the motion. After asking for any further discussion or questions and hearing none, the Mayor called for a roll call vote.

Mrs. Boerger:	Yes	Ms. Burns:	Absent
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Yes	Mr. Zahler:	Yes
Ayes: 7	Nays: 0	Absent: 1	Motion Passed.

Mr. Zahler made a motion to table **Ordinance 2013-26**, Council Compensation until the October 7, 2013 meeting. Mrs. Boerger offered a second to the motion. After asking for any further discussion or questions and hearing none, the Mayor called for a roll call vote.

Mrs. Boerger:	Yes	Ms. Burns:	Absent
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Yes	Mr. Zahler:	Yes
Ayes: 7	Nays: 0	Absent: 1	Motion Passed.

Mr. Zahler made a motion to table **Ordinance 2013-27**, Mayor Compensation until the October 7, 2013 meeting. Mrs. Nachazel offered a second to the motion. After asking for any further discussion or questions and hearing none, the Mayor called for a roll call vote.

Mrs. Boerger:	Yes	Ms. Burns:	Absent
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Yes	Mr. Zahler:	Yes
Ayes: 7	Nays: 0	Absent: 1	Motion Passed.

Mr. Joe Oka , of Ross Ave., appeared before Council to speak on Ordinance 2013-25 and Ordinance 2013-26. Mr. Oka stated that he believes that the City Council runs their meetings like Middle Eastern

countries, where freedom is suppressed and rights are violated, and he referenced Municipal Order 2013-01, which requires residents to sign in before speaking and contains a general guideline of 3 minutes to talk. Mr. Oka also made comments about Ordinances 2013-25 and 2013-26, stating that he believed that City Council reducing its size was inappropriate. Concerning the first part of Mr. Oka's points, on Municipal Order 2013-01, The Mayor asked Mr. Oka whether he was aware of anytime, since 2011, when any resident did not have the opportunity to say what they wanted, and Mr. Oka could point to no such incident. The Mayor noted that he has never cut off debate or discussion, except for crowded agendas where a number of residents wanted to speak, to ensure that everyone has an opportunity to talk. The Mayor likewise noted that the City's policy is to obtain as much resident input as possible, and to encourage open dialogue, and having guidelines in place encourages this. It also involves respect to other residents, since allowing a resident to speak for half an hour, on a crowded agenda, means other residents do not have as much opportunity to speak. The Mayor noted that Council just heard a five minute speech by Mr. Oka, ~~including his calling the City Council an oppressive government~~, without interrupting Mr. Oka and noted that Mr. Oka's speech makes for interesting political theater, but has no basis in fact. Council discussed ordinance 2013-25 and 2013-26 with Mr. Oka.

Mr. Jim Kiger appeared before Council and asked questions about Ordinance 2013-25 and Ordinance 2013-26. Council discussed these ordinances with Mr. Kiger.

Mrs. Diane Becker appeared before Council to speak on Ordinance 2013-25 and Ordinance 2013-26. Mrs. Becker stated her opposition to these ordinances. Council discussed these ordinances with Mrs. Becker.

Mr. Duncan performed a first reading of **Ordinance 2013-28, Street Repair/Replacement (Hicks)**. There was no discussion on proposed Ordinance 2013-28. Mr. Noll explained to Council that this ordinance will set standards for our streets that make them last longer and make the repairs and work done on them more efficient and effective.

Mr. Zahler made a motion to table **Ordinance 2013-29, Setting Meeting Schedule (Boerger)** until the October 7, 2013 meeting. Mrs. Nachazel offered a second to the motion. After asking for any further discussion or questions and hearing none, the Mayor called for a roll call vote.

Mrs. Boerger:	Yes	Ms. Burns:	Absent
Mr. Heist:	Yes	Mr. Hicks:	Yes
Mr. Hummeldorf:	Yes	Mrs. Nachazel:	Yes
Mr. Rice:	Yes	Mr. Zahler:	Yes
Ayes: 7	Nays: 0	Absent: 1	Motion Passed.

#### **DEPARTMENT HEAD REPORTS**

Mrs. Allen reminded everyone that taxes were due on Halloween.

Chief Eldridge stated that the Police Department will be holding a heroin forum at Beechwood High School on October 8, 2013 at 6:30 pm.

**CITY ADMINISTRATOR'S REPORT**

Mr. Moriconi stated that he has received many responses back from residents who responded to the Beechwood Road traffic survey that was sent out. He stated that he will have a firm number for the cost of the Highland Avenue road study by the October 7, 2013 meeting.

Mr. Kyle Taylor appeared before Council to state that he is concerned with putting in a turn lane on Highland Avenue. Mr. Taylor stated that he would like to see a traffic study before a turn lane goes in. The Mayor stated that we reach out to affected residents when we have a firm plan together. Mr. Moriconi stated that at the October 7, 2013 meeting, we will have engineering reports so that the Council could go forward in making an informed decision.

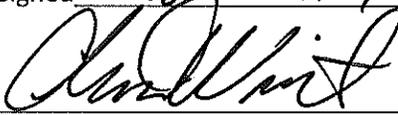
Mr. Moriconi stated that we are accepting resumes for the City Clerk position with a test date on October 3 and a potential start date of October 21<sup>st</sup>.

**EXECUTIVE SESSION**

Mrs. Boerger made a motion to go into Executive Session pursuant to KRS 61.810(1)(c) Discussions of proposed or pending litigation against or on behalf of the public agency; and KRS 61.810(1)(f) 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 purpose of these exceptions and this executive session is to discuss personnel matters in private to prevent embarrassment of the affected person(s), and to encourage candid discussion and analysis, as well as to discuss litigation matters without compromising the city's litigation position. Mr. Zahler offered a second to the motion. The Council went into executive session at 7:50 pm.

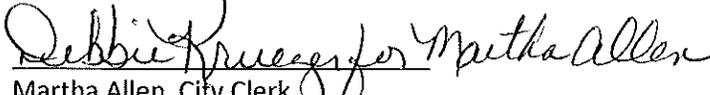
Mrs. Boerger made a motion to exit executive session. Mr. Hummeldorf offered a second to the motion. The Council exited executive session at 8:14 pm.

Mr. Zahler made the motion to adjourn the Special City Council Meeting. Mrs. Nachazel 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. The meeting was adjourned at 8:15pm.

Signed Sept. Oct 7, 2013  
  
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Christopher Wiest, Mayor

Minutes Prepared and

Signature Witnessed By:

  
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Martha Allen, City Clerk