

**FORT MITCHELL CITY COUNCIL
REGULAR MEETING
December 4, 2017**

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Mayor Hehman called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT

Mary Burns, Jim Hummeldorf, Kim Nachazel, Greg Pohlgeers, Vicki Boerger, and Michael Stoeckle. Absent: Beth Rose.

OTHERS PRESENT

City Administrator Sharmili Reddy, City Attorney Louis Kelly, Public Works Director Matt Stegman, Fire Chief Gary Auffart, Police Chief Andrew Schierberg, Asst. Fire Chief Dave Jansing, City Treasurer Amy Guenther, Administrative Assistant Janie Patterson, and Deputy City Clerk Debbie Krueger.

APPROVAL OF THE AGENDA

Mr. Hummeldorf made a motion to approve the agenda, Mr. Pohlgeers offered a second to the motion. After asking for discussion or questions and hearing none, Mayor Hehman called for a voice vote. The motion carried by all ayes.

APPROVAL OF THE MINUTES

Mr. Stoeckle made a motion to approve the minutes of the November 6, 2017 council meeting. Mr. Pohlgeers offered a second to the motion. After asking for discussion or questions and hearing none, Mayor Hehman called for a voice vote. The motion passed by all ayes.

CITIZENS AND GUESTS

Ms. Angela Cook and Rob Schroeder of SD1 have been going around to different cities to meet everyone and to make themselves available for any questions. Mr. Schroeder asked if there were any questions or concerns about the recent Greenbriar project. Mr. Stoeckle advised that there were two (2) different contractors on this project and one did a much better job than the other and there were a few issues that took time to get resolved. Mr. Schroeder apologized that there were issues and advised that although the project is basically complete, there are several items on the punch list that the contractors will be taking care of as well as the testing of the system. Mayor Hehman noted that he was concerned about the water flow from Johanna. He advised that down in the creek area there are sanitary pipes that are exposed and there is undermining and is worried about the velocity of water in that area. Mayor Hehman asked that he and Mr. Stegman go with Mr. Schroeder when they go to check Mr. Powell's yard.

EAGLE SCOUT PROJECT AT 2450 DIXIE HIGHWAY – Mr. John Bagadion

Mr. John Bagadion, 53 Thompson Avenue is a Boy Scout with Troop 820 and is working on his Eagle Scout Project. He is working with Kyle Bennett and the Park Board to create a small park off of Dixie Highway at Cornell. The plans approved by the Park Board include two park benches, two picnic tables, two flower beds, a large mailbox for books and a small stone paver path. The project should be complete by December 17th but in the event of inclement weather the completion date could be December 23rd or December 24th. Mayor Hehman noted that it was important for Mr. Bagadion to approach Council, so that bad information didn't start going around that the city was adding swing sets and swimming pools. Council asked that Mr. Bagadion consider a small mailbox for children's books and include a trash can as part of the project.

DISCUSSION

Highland Avenue Water Main Replacement Project Update

Mrs. Reddy advised Ashley is scheduled to go before the Planning Commission this Thursday for the waiver they need for the project. Mr. Stegman advised that the Water District is ready to start to replace the section at the back end of Highland from Longmeadow Lane to the end of Highland in January or February 2018 and should take 2-3 months. The section that needs to be improved to support the Floral Avenue project is 600 feet long between Oak and Floral. The Water District will do a 50/50 project split with the developer to replace this pipe with no money to be spent by the City. This agreement is part of the waiver and they are about to formalize the agreement.

Ms. Kramer of Northern Kentucky Water District advised that the funds are available to begin the project in 2018 if the developer agrees. Mayor Hehman advised that for the section from Ross to Charmaine to be replaced, Council needs to work with the Water District. Ms. Kramer advised that the Water District must certify that the hydrants are able to flow 250 gallons a minute and this is a standard of the Kentucky Division of Water. The Fire Department feels good about the replacement plan.

Mrs. Reddy advised that PDS Staff has recommended approval of the waiver, but has requested that the developer put up a bond. Everyone is working together to get this issued resolved. Mr. Hummeldorf stated that there are two (2) different standards regarding the water flow. Mrs. Reddy advised that 500 gallons a minute is the National Standard. Mr. Hummeldorf stated that we shouldn't have two (2) different standards, we need to come up with just one (1).

Results of Communication Survey – Janie Patterson

Mayor Hehman asked Ms. Patterson to give an update on the results of the Communication Survey. Ms. Patterson advised that the City currently has more communication tools than ever before. There were a little under 3,000 surveys sent out with the tax bills and more were sent out electronically. There were a total of 205 surveys returned, approximately 7% of what was mailed out. Almost seventy (70) percent of those that responded feel that there is adequate communication. There was a recurring theme that there are those who don't use Facebook or computers. Current communication resources include: E-Newsletter, Fort Mitchell Living (paper newsletter, mailed quarterly), Facebook, City Website and televised Council Meetings. From the survey the most preferred communication source is Fort Mitchell Living and the least preferred is Facebook. The survey results indicate that our communication has increased since 2016. Other communication resources in use are the Police Department Facebook page, the Fire Department Facebook page, Text Message alerts like Code Red, which requires registration and Police Department text alerts.

Mayor Hehman advised that Ms. Patterson has provided a great deal of information and now Council needs to decide where we go from here. Mayor Hehman suggested sending hard copies to only those that request them. Council expressed disappointment that so few surveys were returned. The City has more work to do to improve communication.

CITY ATTORNEY'S REPORT

Mr. Kelly performed a second reading of Ordinance 2017-19 adoption of 2018-19 meeting dates. Mrs. Boerger made a motion to pass ordinance 2017-19 adopting meeting dates for 2018-2019. Mr. Pohlgeers made a second to the motion. Mayor Hehman asked for further discussion or questions and hearing none, he called for a roll call vote.

Mrs. Boerger	Yes	Mr. Pohlgeers	Yes
Ms. Burns	Yes	Mr. Stoeckle	Yes
Mr. Hummeldorf	Yes	Mrs. Nachazel	Yes

Mrs. Rose

Absent

Ayes: 6

Nays: 0

Absent:

1

Motion Carried.

Ordinance 2017-20

Mr. Andy Videkovich of PDS gave an update regarding the Sign Regulations. Mr. Videkovich advised that it is very important for the City to have legally defensible sign regulations based upon the latest constitutional principles and also the latest Supreme Court rulings. There are two sections that he wished to bring special attention to:

1. The number of temporary signs allowed on residential properties. This can be found on page 44 of the draft. They are recommending four (4). Less than four (4) could be challenged in court. This regulation applies to political as well as other types of temporary signs.
2. LED signs. Currently allowed within one zoning classification. This can be found on page 40 of the draft. This regulation will allow in more zones. The regulation states that LED signs can't change faster than eight (8) seconds. It is recommended that the City not goes less than eight (8) seconds. It also states that LED signs must be instantaneous, no moving, no flashing, just a static message and that the signs have automatic light controls so that they will dim at night and be brighter in the day.

Mr. Pohlgeers asked what the regulation would be for existing signs that can't conform to these regulations. Mr. Videkovich advised that these signs would be grandfathered. Ms. Boerger advised that clearing up the grey areas and updating the regulations was a big project and she wanted to thank Mr. Videkovich and PDS for their time. Mr. Hummeldorf brought up the difference in setbacks for permanent and temporary signs. It was agreed to change the Ordinance to five (5) feet for both. Mr. Videkovich will make the changes requested and Council will have the opportunity to review the Ordinance prior to the second reading.

Mr. Kelly performed a first reading of Ordinance 2017-20 amending Article XIV of the Fort Mitchell Zoning Ordinance Pertaining to Signs.

Ordinance 2017-21

Ms. Guenther advised that Attachment A is the amended budget summary that is an attachment to the ordinance and then there is the detail supporting that for discussion purposes. In the Road Tax Fund there were a few projects (Allentown/Burdsall and Thompson Avenue) that were budgeted last fiscal year that were not completed and need to be moved into this fiscal year's budget. Consequently, the beginning fund balance is increased along with the expenses and miscellaneous revenue. The West Orchard Reconstruction originally budgeted is moved to various resurfacing projects and the new Kruempelman Turnabout project is added. The Road Tax Fund ending balance actually increases with this proposed budget amendment. In the Municipal Road Aid Fund, the beginning fund balance and budgeted expenses increase for the Orphanage Road sidewalk, because the bid came in higher. Mayor Hehman advised that the Municipal Road Aid has no effect on the general fund. Mayor Hehman asked if Mr. Hummeldorf would like for this to go to the Finance Committee and Mr. Hummeldorf said that it is not necessary.

Mr. Kelly performed a first reading of Ordinance 2017-21 amending the Annual Municipal Road Aid and Road Tax Budgets of the City for the Fiscal Year July 1, 2017 through June 30, 2018, and directing this Ordinance to be published by summary.

Resolution 2017-15

Mr. Andy Videkovich from PDS advised that it doesn't happen often to have a Stage II Development Plan come to Council, because most of the areas that are zoned PUD have been developed and are happily existing for the past decade or more. The Zoning Ordinance does state that when there is a development that has to go to the

Stage II Development Plan it does have to go to Staff for review and then back to the legislative body for consideration and approval. Mr. Videkovich advised that Mr. Heidrich has proposed to develop a multi-tenant building on the existing building pad in Buttermilk Square. When the original building was built it conformed, then the Zoning changed. PDS Staff has determined that they can use the existing pad as long as they don't increase the size of the footprint or not increasing the non-conformity of the existing structure. There are two parking sites with an overall 307 parking spaces. The applicant intends to increase the size of the ground sign at the entrance slightly to 200 square feet. There is an additional free standing sign located down Buttermilk Pike and the applicant does intend to do a face change on that sign. The applicant is proposing a 1-1/2 square feet wall sign for each building area, which is a typical standard. The new construction will be approximately 22,000 square feet. The proposed outdoor dining is subject to a conditional use permit and will be heard by the Board of Adjustment on Tuesday, December 5, 2017. Dumpster placement and traffic flow will not be changed.

Mr. Heidrich advised that they are within the fifty (50) foot setback and they do comply with the current LHS. They are confident that they have plenty of parking space and have renewed their agreement with the church. They would like to increase the size of the front sign from 150 square feet to 200 square feet. There is an issue with dumpsters. If left open around them, they can be cleaned around, closed them in, trash can be hard to remove. If relocated, it would require food waste to be carried across the parking lot. He has reached out to residents on Arcadia, but has not been able to meet with them at this point. Mr. Heidrich thank the City and PDS for their cooperation on this project. Mayor Hehman asked that Mr. Heidrich consider the theme of the City when making the monument sign and use a stone base like others in the City. Mr. Heidrich advised that he would consider stone instead of the current brick.

Mr. Kelly performed a reading of Resolution 2017-15 approving the Stage Two Development Plan for Buttermilk Town Square.

Mr. Hummeldorf made a motion to adopt Resolution 2017-15 approving the Stage Two Development Plan for Buttermilk Square. Ms. Burns offered a second to the motion. After asking for discussion or questions and hearing none, Mayor Hehman called for a voice vote. The motion passed by all ayes.

Municipal Order 2017-15

Mr. Hummeldorf wanted to know the current members of the Fort Mitchell Economic Development Authority. Mrs. Reddy advised that they were: Paul Alley, Mary Burns, Jim Hummeldorf, Brad Ramey and Dan Rice.

Mr. Kelly performed a reading of Municipal Order 2017-15 approving the appointment of Kim Nachazel as a member of the Fort Mitchell Economic Development Authority.

Mr. Hummeldorf made a motion to adopt Municipal Order 2017-15 approving the appointment of Kim Nachazel to the Fort Mitchell Economic Development Authority. Ms. Burns offered a second to the motion. After asking for discussion or questions and hearing none, Mayor Hehman called for a voice vote. The motion passed by all ayes.

Mayor's Report

Mayor Hehman advised that the Tree Lighting was a huge success and thanked Council for attending. Mayor Hehman apologized for lighting the tree early and not recognizing Mrs. Boerger.

Mayor Hehman invited everyone to attend the Mayor's Lunch on Tuesday, December 12, 2017 at 11:30 am.

City Administrator's Report

Mrs. Reddy advised that the City has received a complaint about Remke's trucks that are getting on the sidewalk regularly to access the loading and unloading area. Mr. Kelly will send a letter to let them know regulations...

Mrs. Reddy advised that there has been a pre-application meeting with Cincinnati Bell for a mini cell tower at Ashton and Page. The last time we signed a one-time Franchise Agreement with them to get it moving forward, but she doesn't feel this is a good practice to do each time they bring one in and is looking on a long term approach for this.

Mrs. Reddy gave an update on the TIF application and advised that a meeting is scheduled with Secretary Gill with the Economic Development Cabinet in a few weeks to try to confirm that we receive the full amount of funds that has been recommended.

Mrs. Reddy advised that the proposed Text Amendments to the Fort Mitchell Zoning Ordinance will go to the Planning Commission on December 7th and will then come back to Council to take action.

Mrs. Reddy advised that the Tree Board has chosen MKSK for the trees on Dixie Highway.

Mrs. Reddy advised that City Ordinance defines the Public Works Director, but State law does not. Individuals that are officers of the City can't serve as elected officials in another city. Mayor Hehman advised that Mr. Stegman would like to serve on the Lakeside Park City Council but is considered an officer under our Ordinance. Mr. Stegman was never sworn in as an officer. Mr. Kelly advised that the Ordinance can be changed to make the position of Public Works Director a non-officer position. After discussion it was agreed to have Mr. Kelly amend the Ordinance to the four (4) officers as required by State Statute.

COMMENTS FROM COUNCIL MEMBERS

Mr. Hummeldorf advised that it might be time to look at the possibility of sidewalks on Beechwood Road since the young was hit last week crossing the street. This is a walkable City, but there are areas that are a safety concern. Police Chief Schierberg provided Council with statistics on the volume of cars and average speeds in the areas of Beechwood to Dixie and Ana Jo. Chief Schierberg advised that officers have stepped up their visibility on side streets.

DEPARTMENT HEAD REPORTS

Police Chief Schierberg advised that there was a robbery at Jim's Beverage last Friday. The person stated that he had a weapon, but never showed it. The case was closed in a little over 24 hours due to the joint effort of multiple police agencies.

Police Chief Schierberg advised that the Ben Roethlisberger Foundation has awarded \$2,000 Grant for our K-9. Chief Schierberg will prepare a report on the activity of our K-9.

Mrs. Nachazel suggested it was time to bring the Safety Committee back since there are a lot of places around the city that are not safe to cross. Mrs. Boerger advised that she would be willing to serve on the committee. Mrs. Nachazel work with other members of Council to bring the Safety Committee back.

Police Chief Schierberg advised that it is the goal of the Police Department to be more visible on the side streets and asked that if Council has a specific location in mind, to let him know and they will target that area. It was suggested that the area of Royal and Buttermilk be watched for vehicles running the red lights. There was a question about cars that are parking in the wrong direction on streets and Chief Schierberg will double check on the ordinance.

Fire Chief Auffart advised that recently Council changed the burn ban ordinance and it has been brought to his attention that Highland Cemetery would like to burn branches. Chief Auffart asked if the Ordinance could be amended for areas of a certain amount of acreage to be permitted to burn with a burn permit. Mayor Hehman advised that we should look at coming up with an acreage stipulation and council agreed.

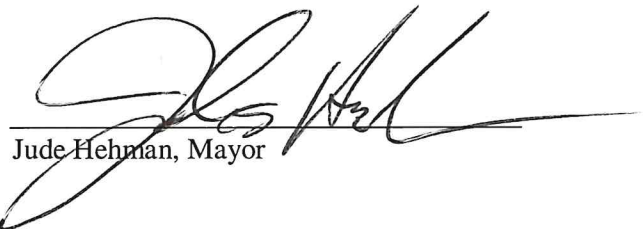
Public Works Director Matt Stegman advised that the Burdsall/Allentown/Thompson project is almost complete. One of the public works trucks has already been loaded with salt and is ready to go when the bad weather hits. Mr. Stegman advised that Duke has supplied him with a list of 180 aging gas services that will be in the process of being replaced in the City. He is happy to share the list with Council.

Deputy City Clerk Debbie Krueger reported that delinquent tax notices were mailed on November 22, 2017. At that time there was a little over \$287,000 delinquent. Since then \$39,863 has been collected leaving a total of \$247,169 still due. Delinquent notices will be mailed again at the end of December. Mayor Hehman stated that he is thinking about the possibility of placing liens on these properties.

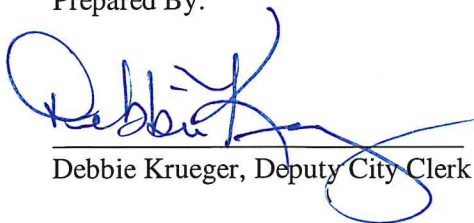
ADJOURNMENT

Mr. Hummeldorf made the motion to adjourn the City Council Meeting at 8:42 p.m. Mr. Pohlgeers 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 1-9, 2017


Jude Hehman, Mayor

Prepared By:


Debbie Krueger, Deputy City Clerk