

**AGENDA**  
**CITY OF FORT MITCHELL, KENTUCKY**  
**CITY COUNCIL MEETING**  
**April 15, 2019, 6:30 p.m.**

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

Mayor Hehman called the regular council meeting to order at 6:30 p.m.

**MAYOR AND COUNCIL MEMBERS PRESENT**

Present: Mayor Jude Hehman, Greg Pohlgeers, Michael Stoeckle, Mary Burns, Jerry Deatherage, Scott McVey and Kim Nachazel. Absent : Vicki Boerger,

**OTHERS PRESENT**

City Administrator, Sharmili Reddy; City Attorney, Claire Parsons; Assistant Fire Chief, Dave Jansing; Police Chief, Andrew Schierberg; Public Works Director, Matt Stegman; Programs Coordinator, Janie Patterson; Park Director, Kyle Bennet and City Clerk/Treasurer, Amy Guenther

**APPROVAL OF THE AGENDA**

Mayor Hehman asked for a motion for approval of the agenda. Mr. Pohlgeers made a motion to approve the agenda. Mr. Stoeckle 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**

Mayor Hehman asked for a motion for approval of the March 18, 2019 minutes. Mr. Stoeckle made a motion to approve the minutes of the March 18, 2019 council meeting as presented. Mr. Pohlgeers offered a second to the motion. After asking for discussion and hearing none, Mayor Hehman called for a voice vote. The motion passed by all ayes.

**CITIZENS AND GUESTS**

Patty Kaiser of 35 Virginia Avenue, Fort Mitchell stated that the Highland Avenue Traffic Study should include when both schools are on spring break. Also, school buses would also help to alleviate traffic.

Mike Schoech of 310 Edgewood Road, Fort Mitchell is concerned that Evans Landscaping was awarded the Dixie Tree Replacement and Removal Project when they were convicted of defrauding the City of Cincinnati. Mr. Schea asked if Council was aware of the fraud when they made the decision to award the contract to Evans Landscaping. The City Administrator stated that the Tree Board and City Council were aware of the news articles. Three companies bid on the project, but based on various Tree Board member's experience with Evans Landscaping and the lower cost, the City awarded the bid to Evans Landscaping.

Sheryl Johnson of 1991 Edenderry Drive, Fort Mitchell stated that pears & ash trees in the right of way of Waterford need to be removed and replaced. On behalf of the Waterford home owners association, she asked for consideration in future budgets to create a canopy of various trees. The estimated cost is \$8,700 and the association is asking for \$3,000 next year.

## CITY ATTORNEY'S REPORT

Ms. Parsons performed a second reading of **Ordinance 2019-01: Text Amendment modifying the Stage II process to allow administrative approval, adding Emergency Room to the list of permitted uses and modifying the parking requirements in the Mixed Business Land Use (MBLU) Zone.** The Mayor stated he has some questions like, "Where can the emergency room be placed?" The plan will come back to Council for their approval. Ms. Nachazel stated that she does not want side streets to be used for ambulance traffic. Mike Doty of Brandicorp stated that Bayer & Becker is working on a traffic study and a possible solution is a roundabout.

Ms. Burns made a motion to pass Ordinance 2019-01 and Mr. Pohlgeers seconded the motion. Mayor Hehman asked if there was any more discussion and hearing none, called for a roll call vote.

Ms. Burns	Yes	Ms. Nachazel	Yes
Mr. Deatherage	Yes	Mr. Pohlgeers	Yes
Mr. Stoeckle	Yes	Mr. McVey	Yes

Ayes: 6      Nays: 0      Motion Passed.

Ms. Parsons performed a first reading of **Ordinance 2019-04: Text Amendment adding a definition for Microbreweries, adding Microbreweries to the list of permitted uses, increasing the area of outdoor dining permitted and permitting entertainment, music and sound amplifying systems during certain hours of certain days provided the property is not adjacent to residential uses in the Neighborhood Commercial (NC) Zone.**

Mayor Hehman stated that now is the time to ask questions. Since this is a conditional use, if Council says yes, then the Board of Adjustment will need to approve. Then PDS will need to come back to Council. Mr. Stoeckle suggested on Sunday through Thursday the amplified music could be until 9:00 p.m. instead of 10:00 p.m. Ms. Nachazel stated that this would also effect the Zalla Property where Bruburger is located. Ms. Reddy stated that different zones allow music until 11:30 p.m. The Mayor said that Dixie Highway traffic is 50 decibels, a lawnmower is 75 decibels, and a chainsaw 100 decibels.

David Burdsall, of Property Partners; said that the music would be one man with a guitar and will add value. No businesses have signed yet. They are trying to maximize the property. The outdoor area could be in the current loading dock area. Mike Stoeckle stated that the loading dock is close to residential properties.

Robert Brink of 3 Sunnymede Drive spoke at planning and zoning meeting. He has a concern that Sunnymede & Cornell may receive overflow parking. He is not opposed to any specific business. Mr. Brink stated that he is also concerned about amplified music and would like to see these items addressed.

Mr. Kaiser of 35 Virginia Avenue is concerned about the parking since there is already a shortage in the downtown area. Also, he asked Council to be prudent about the amplified music, since there are both apartments and houses nearby.

Glen Rice of 16 Princeton Avenue stated that their house is 550 feet from the Remke Building. He worries about children's sleep, homework & family time. The ordinance is vague about decibels and sound amplification should be allowed.

Ed Jordon of 14 Orphanage Road stated that he is not opposed to indoor acoustic music, with limits.

Glen Rice III of Princeton Avenue proposed: acoustic music would be limited to 80 decibels, one meter from the speaker.

Mayor Hehman stated that we have about a month to come up with the ideas. Even a guitar without amp is over the City's noise ordinance. It does not seem like people are against the development.

Ms. Parsons performed a second reading of **Ordinance 2019-02: Creating and establishing a non-exclusive franchise for the placement of facilities for the transmission, distribution and sale of electrical energy within the public right-of-way of the City of Fort Mitchell for a fifteen (15) year duration, reserving the right to impose a franchise fee in the sum of up to five percent (5%) of Franchisee's gross receipts per year from the Franchisee's sale of electricity to electric-consuming entities inside the City of Fort Mitchell's corporate limits and further providing compliance with relevant laws, regulation and standards; indemnification; insurance; cancellation or termination; all effective on date of passage .**

Mayor Hehman stated that this Ordinance is not setting a rate. All rates will come back to Council. Mr. Pohlgeers stated that he wants to see the budget before implementing any rates. The Mayor stated that the retirement rate will continue to increase and this was discussed last year during the budget and what other cities are doing. Ms. Nachazel said that this is a mechanism put in place in case it is needed. Ms. Burns would like to relook at this franchise rate every year.

Mr. Joe Oka, 42 Ross Ave, would like a more robust discussion. Mr. Pohlgeers said any rate will be based on the budget and Ms. Nachazel agreed. Ms. Parsons stated that a franchise agreement is used to work with energy companies to manage projects so that the City's standards are met. Mr. Oka asked, what percentage does the utility company gets for collecting this fee? Ms. Reddy will look into.

Mayor Hehman stated that legislators tell Cities that they are not using tools that are available to fund the retirement deficit. This is at least a 4-5 month process.

Mr. Deatherage made a motion to pass Ordinance 2019-02 and Mr. Pohlgeers seconded the motion. Mayor Hehman asked if there was any more discussion and hearing none, called for a roll call vote.

Ms. Burns	Yes	Ms. Nachazel	Yes
Mr. Deatherage	Yes	Mr. Pohlgeers	Yes
Mr. Stoeckle	Yes	Mr. McVey	Yes

Ayes: 6      Nays: 0      Motion Passed.

Ms. Parsons performed a first reading of **Ordinance 2019-03: Creating and establishing a non-exclusive franchise for the placement of facilities for the transmission, distribution and sale of natural gas within the public right-of-way of the City of Fort Mitchell for a fifteen (15) year duration, reserving the right to impose a franchise fee in the sum of up to five percent (5%) of Franchisee's gross receipts per year from the Franchisee's sale of natural gas to gas-consuming entities inside the City of Fort Mitchell's corporate limits and further providing compliance with relevant laws, regulation and standards; indemnification; insurance; cancellation or termination; all effective on date of passage.**

Mr. Deatherage made a motion to pass Ordinance 2019-03 and Mr. McVey seconded the motion. Mayor Hehman asked if there was any discussion and hearing none, called for a roll call vote.

Ms. Burns	Yes	Ms. Nachazel	Yes
Mr. Deatherage	Yes	Mr. Pohlgeers	Yes
Mr. Stoeckle	Yes	Mr. McVey	Yes

Ayes: 6      Nays: 0      Motion Passed.

Ms. Parsons performed a reading of **Resolution 2019-05: Authorizing franchise agreements with Duke Energy Kentucky, Inc. for the transmission, distribution and sale of natural gas and electricity.** Ms. Parsons stated that this resolution authorizes the Mayor to sign the agreement.

Mr. Deatherage made a motion to pass the Resolution 2019-05 and Mr. Stoeckle seconded the motion. Mayor Hehman asked if there was any more discussion and hearing none, called for a roll call vote. The motion passed with all ayes.

Ms. Parsons performed a first reading of **Municipal Order 2019-07: Appointment of Bill Reis and Cory Schuler to the Fort Mitchell Tree Board.**

Ms. Burns made a motion to pass Municipal Order 2019-07 and Ms. Nachazel seconded the motion. Mayor Hehman asked if there was any more discussion and hearing none, called for a roll call vote. The motion passed with all ayes.

## **MAYOR'S REPORT**

- Highland Avenue temporary restricted parking study has started. Ms. Reddy has received an email saying the resident appreciates the no parking on the road way.
- There is steep, erosion problems on the corner of Grace & Pleasant Ridge. The city needs to build an 18 inch wall to make the construction right.
- There is a budget ask for a Dixie Highway/ Beechwood corner landscape plan to soften the area. Ms. Reddy stated that Bayer & Becker is preparing a preliminary plan where pedestrian safety is a primary concern.
- The City signed a contract with JPS for the Orphanage sidewalk construction. The City will need to go thru eminent domain for the one property that will not sign the temporary construction easement. JPS tried to back out and the City is pushing back.
- The Grand Marshalls for the July 4<sup>th</sup> parade are Highland Cemetery (150 years) and Blessed Sacrament (100 years)
- The City needs to give Beechwood residents notice of the parade route, in case of a road closure.
- Beth Conroe has resigned from the Park board; we will post the position for a week. Ideally someone who has young kids that use the park would be a good fit.

## **CITY ADMINISTRATOR'S REPORT**

- The City has hardly received any calls regarding the Dixie Hwy tree project. Phase II is in the budget and will begin in the fall.
- The City will apply for another grant for Beechwood sidewalks and will increase the local match and take out engineering costs that have already been completed. This will take coordination with Crescent Springs.



- If residents do not want to receive ads in bags, call 859-594-3600. The City will post this on our Facebook page.
- The City is working on the MCI/Verizon franchise agreement for fiber.

## **COUNCIL MEMBER COMMENTS**

Ms. Burns stated that April 27, 2019 is Arbor Day and the Tree Board will be giving free trees AWAY at Bigby at 9:00 a.m. Live Well will be giving away free produce. The Party in the Fort event needs volunteers. It will be a fun event with bingo and The Naked Karate Girls band.

Mr. Stoeckle stated that Vent Haven Museum's Ventriloquist Show Double Talk is at 3:00 p.m., April 20<sup>th</sup>.

## **DEPARTMENT HEAD REPORTS**

### **Public Works Director, Matt Stegman**

- Mr. Stegman has addressed concerns of closure on July 4<sup>th</sup> due to the parade.
- Floral Ave. had two lights installed.
- Beechwood striping is not straight. It will be made it right.
- Royal will be open soon.
- Mr. Stoeckle stated that Mr. Ruh would like to know the status of Park Road. It will be addressed in the budget process.

### **Police Chief, Andrew Schierberg**

- The police department will have a driving instructor to do training.
- Call number for March are comparable to last year.
- First candidate is not permanent U.S. resident and cannot be a police officer in Kentucky due to laws. They are moving to their 2<sup>nd</sup> candidate.

### **Programs Coordinator, Janie Patterson**

- About 500 people were at the Easter egg hunt. It was a successful event thanks to the help from Ms. Burns, Assistant Chief Jansing and many volunteers. 5000 Easter eggs were filled and hidden.
- Party in the Fort is May 18<sup>th</sup>.
- The schedule of summer events are on the website and will be in Fort Mitchell Living and emailed in a newsletter.

### **Assistant Fire Chief, Dave Jansing**

- In March, there were 72 runs and 221 volunteer hours.
- The City has 2 additional volunteers.
- The full- time staff are applying for fire fighter union. This is not to negotiate contracts and salaries. It offers training; health & wellness; fund raisers. They want to make sure this union does not wedge a gap between employees & volunteers. Scott McVey says this organization can give helpful information. It is like a trade organization. Mr. Pohlgeers asked if employees have a choice to join and Assistant Chief Jansing said yes. Ms. Nachazel asked if it will hurt hiring and Mr. Jansing said no.

## **Kyle Bennett, Park Director**

General Ormsby Mitchell, Crescent, and Iris Road Park all up and running. Water at General Ormsby Mitchell Park was turned on March 23rd

- The pavilion lottery was held on March 2<sup>nd</sup> at the City Building. Over 150 dates were given out, and we do not have any Fridays, Saturday, or Sundays available throughout the spring, summer and fall.
- Currently 15 baseball teams will be utilizing our baseball field. The teams must be comprised of 50% Fort Mitchell residents

### **General Ormsby Mitchell Park Improvements**

- Replace current pavilion and restrooms
- Constellation lighting under the pavilion
- Walking trail around the park
- Handicap accessible baseball/soccer fields.
- Parking lot expansion: additional 70+ spaces
- Change orientation of the baseball field to help drainage and sunlight in batter's eye
- Add dugouts, water bib, electric, and batting cage.
- Adding garage in the current stage area that would have 2 bays for park equipment
- Adding an amphitheater area using the current hillside as seating.

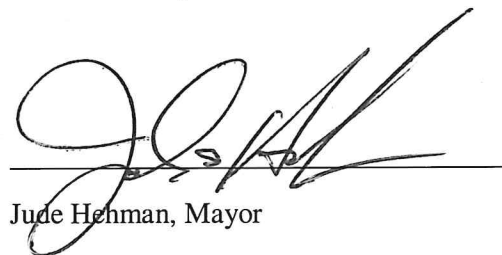
### **Park Improvement Timeline**

- Early June the project will be put out for bid
- Bid Opening end of June/Early July
- Work could start in August

Ms. Burns asked if there will be a tennis back board. Mr. Bennett said yes. Mr. Pohlgeers asked if the pavilion lottery allowed residents to reserve first. Mr. Bennett said no but residents are not charged and non-residents are charged \$45.00. The Mayor stated that it costs the City to clean bathrooms, etc. Mr. Bennett stated that Fort Mitchell is the only city that does not charge a fee for residents.

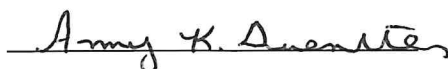
## **ADJOURNMENT**

**Mr. Nachazel made a motion to adjourn the City Council Meeting at 8:28 p.m.** 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 unanimously.



Jude Hehman, Mayor

Prepared By:



Amy Guenther, City Clerk/Treasurer