

**CITY OF FORT MITCHELL, KENTUCKY
CITY COUNCIL MEETING
COUNCIL CHAMBER
2355 DIXIE HIGHWAY, FORT MITCHELL, KY 41017
March 7, 2022, 6:30 p.m.**

CALL TO ORDER / ROLL CALL

Mayor Jude Hehman, called the regular council meeting to order at 6:30 p.m. and instructed everyone to stand for the Pledge of Allegiance.

ROLL CALL OF COUNCIL MEMBERS

Ms. Guenther called roll. The following council members were present: Mary Burns, Kim Nachazel, Greg Pohlgeers, Alyson Roeding, Jerry Deatherage, Michael Stoeckle, and Vicki Boerger. A quorum was present.

OTHER STAFF PRESENT

City Administrator, Edwin King; City Clerk/Treasurer, Amy Guenther; Police Chief, Andrew Schierberg; Fire Chief, Adam Fuller; Programs Coordinator, Joe Christofield; City Attorney, Claire Parsons, and Public Works Director, Nick Tewes.

APPROVAL OF THE AGENDA

Mayor Hehman asked if there were any changes to the agenda and after hearing none, Mr. Pohlgeers made a motion to approve the agenda. Ms. Roeding seconded the motion. Mayor Hehman called for a voice vote. The motion carried by all ayes.

APPROVAL OF THE MINUTES

Mayor Jude Hehman asked if there were any changes to the February 22, 2022, minutes. No changes were noted. Mr. Stoeckle made a motion to approve the minutes of the February 22, 2022, council meeting. Ms. Boerger seconded the motion. After asking for discussion and hearing none, Mayor Jude Hehman called for a voice vote. The motion carried with all ayes.

CITIZENS AND GUESTS-None

INTRODUCTION OF POLICE OFFICER JOE WOESTE

Chief Schierberg introduced Police Officer, Joe Woeste. Officer Woeste comes from the Airport Police Department, served on S.W.A.T., and has completed crisis intervention, bike patrol and field training.

AUDIT PRESENTATION

Stephanie Huhn from Bramley & Ackley CPA's reviewed the City's audit for the fiscal year ended June 30, 2021.

- The City received a clean and unmodified opinion.
- The General Fund balance increased \$249,000.
- The Park Tax Fund balance increased over \$1,154,169 due to a transfer from the General Fund for the renovation.

- The City's strong General Fund balance of \$9,696,558 is greater than six months of expenses.
- The Government Wide net position of all government activities was \$14,585,788 and the increase in the ending net position was \$222,646.
- Total revenues were \$10,008,924, expenditures were \$9,828,238. and the increase in the total for all funds was \$180,686.
- The net increase in capital assets was \$1,750,509
- All of the City's cash was FDIC insured or was fully collateralized. There were no investments as of June 30, 2021.
- The long term unfunded net pension and other post-employment benefits (OPEB) liability was \$11,742,283 and \$3,612,502. The Mayor
- The City received \$839,584 in Federal CARES money
- In the Report on Internal Control Over Financial Reporting and on Compliance there were no issues of material weaknesses or noncompliance.
- Ms. Huhn thanked City Clerk/Treasurer, Amy Guenther, for assisting with the audit.

COUNCIL ACTION ON PC2201-003 MAP AMENDMENT

- See attached transcript of argument type hearing of PC2201-003 Map Amendment.

CITY ATTORNEY'S REPORT

Ms. Parsons provided a first reading of **Ordinance 2022-04: Amending the Official Zoning Map for the City** and to be published by summary.

Ms. Parsons provided a second reading of **Ordinance 2022-03: Amending the Number of Tree Commission Members**. Mayor Hehman asked if there was any discussion. Hearing none, Ms. Boerger made a motion to approve Ordinance 2022-03. Mr. Stoeckle seconded the motion. Mayor Hehman calls for a roll call vote. Motion passed unanimously.

Ms. Boerger	Yes	Ms. Nachazel	Yes
Ms. Burns	Yes	Ms. Pohlgeers	Yes
Mr. Deatherage	Yes	Mr. Stoeckle	Yes
Ms. Roeding	Yes		

Ms. Parsons read **Resolution 2022-04: Acceptance of ARPA Funds**. Mr. King stated that the latest ARPA guidance allows for cities to claim a standard revenue loss and then the recipient can use these funds on general government services. Many other cities that are receiving less than \$10,000,000 are also adopting this resolution. Mr. Deatherage made a motion to approve Resolution Order 2022-04 as read, and Mr. Pohlgeers seconded the motion. The mayor called for a voice vote and the motion passed with all ayes.

Ms. Parsons read **Municipal Order 2022-02: Approving the Appointment of Chrisanthy Zowtiak to the Tree Commission**. Mayor Hehman asked if there was any discussion. Mr. King stated that Ms. Zowtiak lives off Beechwood Road and moved to Fort Mitchell because of the mature trees. Hearing none, Ms. Nachazel made a motion to approve Municipal Order 2022-02. Mr. Stoeckle seconded the motion. Mayor Hehman called for a voice vote and the motion passed unanimously with all ayes.

MAYOR'S REPORT

- Mayor Hehman read **Executive Order 2022-05 Surplus Property**. Several items are to be auctioned off on GovDeals.com. Mayor asked the portable radios to be given to Kenton County Detention Center, because they are still on the old frequency. Ms. Boerger made a motion to approve Executive Order 2022-05 as read and Ms. Roeding seconded the motion. The mayor called for a voice vote and the motion passed unanimously.
- The original roof is about 30 years old and continues to leak. The cheapest bid received for the roof repair was \$140,000. The money will probably not be spent till the next fiscal year. Mayor Hehman is looking for authorization to go ahead and sign the contract for the new roof and the monies will be added into the budget and will be approved in June. Mayor Hehman asked if there was any discussion. Hearing none, Ms. Burns made a motion to authorize the Mayor to sign the roof contract. Ms. Roeding seconded the motion. Mayor Hehman called for a voice vote and the motion passed unanimously with all ayes.
- The City Employee and Volunteer Appreciation Dinner was held last weekend and Assistant Chief Jansing celebrated 50 years of service.

CITY ADMINISTRATOR'S REPORT

- Thank you to Amy Guenther for being very diligent with the audit.

DEPARTMENT HEAD REPORTS

City Clerk Treasurer, Amy Guenther

- Fourteen property tax liens have been sent to the attorneys to be filed for 2021
- Three foreclosures have been sent to the City Attorney, Claire Parsons to be filed. Two other foreclosures of Fort Mitchell residential property have been filed by banks.
- No other department heads had a report.

CITY COUNCIL COMMENTS

- Ms. Boerger stated that the Wall of Honor ceremony will be held the second Saturday of September on even years going forward. This year the ceremony will be held September 10, 2022, and the last day for nominations will be Friday July 29th at 4:00 p.m. The Wall of Honor started February 1999. The committee selects 1-3 of the people nominated based on their service to the City.
- Mr. Pohlgeers recognized Chief Fuller since he was responsible for the City receiving \$1,500,000 in grants for the City since 2004 and \$960,000.00 since 2020.
- Ms. Burns stated that the City is hosting the seniors for bingo on March 15, 2022, 2-3:30 p.m. Also, Happy St. Patrick's Day!

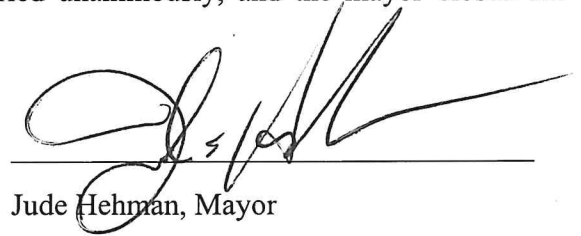
EXECUTIVE SESSION

Mr. Pohlgeers moved 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. Ms. Roeding second the motion and Mayor Hehman called for a voice vote. The motion carried with all ayes.

Mr. Boerger made a motion to come out of executive session and Mr. Deatherage seconded the motion. Mayor Hehman called for a voice vote and the motion passed with all ayes.

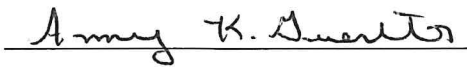
ADJOURNMENT

Mr. Pohlgeers made a motion to adjourn the City Council meeting and Ms. Nachazel seconded the motion. Mayor Hehman asked if there was any discussion or questions. Hearing none, Mayor Jude Hehman called for a voice vote. The motion carried unanimously, and the mayor closed the meeting at 7:26 p.m.



Jude Hehman, Mayor

Prepared By:



Amy Guenther, City Clerk/Treasurer

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CITY OF FORT MITCHELL, KENTUCKY
REGULAR CITY COUNCIL MEETING
2355 HIGHWAY, FORT MITCHELL, KENTUCKY 41017
COUNCIL CHAMBERS
MARCH 7, 2022, 6:30 PM

IN RE: PC2201-0003 MAP AMENDMENT

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MR. HEHMAN: All right. Moving on to No. 7. And I'd like to, at this time, open a public hearing for Map Amendment PC2201-003 for council discussion.

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Council, you've received from the planning commission what was dated -- you received it on February the 22nd, that was from action on February the 3rd at the public hearing. And I'm asking council for an argument-type hearing, as we've done this in previous related -- previous times when we had a map amendment.

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MR. DEATHERAGE: Mayor, I'll make a motion for an argument-type hearing for PC2201-003 map amendment.

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MR. HEHMAN: There's a motion, Mr. Deatherage.

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MR. POHLGEERS: I'll second.

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MR. HEHMAN: Second, Mr. Pohlgeers. All in favor?

(Motion is passed unanimously.)

MR. HEHMAN: Is there anyone that opposes? All right. Motion carries.

1 MS. PARSONS: For an argument-type
2 hearing we do need to restrict our discussions and
3 findings to the record that was generated at the P&Z
4 Commission and provided to council members via
5 e-mail. So if we could also get a motion to
6 restrict the discussions and findings to that
7 record, it would be helpful.

8 MR. HEHMAN: With that being said,
9 with that motion, I think Mr. Berling, who is back
10 there, wanted to speak, so it's very important, if
11 you allow that through that motion, he can discuss
12 anything, but no new findings.

13 MS. PARSONS: I believe that for
14 Mr. Berling, who appeared at the Planning and Zoning
15 Commission and gave testimony, and it's in the
16 record, I think to clarify that testimony or any
17 issue that's existing in the record that council may
18 have questions about, I think that's okay. What we
19 can't do is accept new evidence from new witnesses
20 who didn't testify previously.

21 MR. DEATHERAGE: I'll make the
22 motion.

23 MR. HEHMAN: Mr. Deatherage.

24 MR. DEATHERAGE: Would you like me to
25 repeat that, Claire?

1 MS. PARSONS: No, just say we make a
2 motion.

3 MS. ROEDING: I'll second it.

4 MR. HEHMAN: Second, Ms. Roeding.
5 All in favor?

6 (Motion passed unanimously.)

7 MR. HEHMAN: Anyone opposed? Okay.

8 So just to clarify that through this
9 public hearing we're allowing just an argument-type.
10 So Council, I'm going to give you before anyone
11 else, give you the opportunity -- obviously this is
12 for discussion of 260 Grandview Drive. There is a
13 map amendment in front of you that allows for a
14 residential-style building. Obviously, we just went
15 through the process of Z-21 and things, and this
16 was -- this was filed or this was accepted prior to
17 us passing that Z-21, so just clarifying that and
18 where we're at today.

19 Any discussion from Council when you
20 received this? Any questions or concerns?

21 MS. BURNS: No.

22 MR. HEHMAN: Okay. Mr. Berling, I
23 don't think it's necessary for you to discuss --

24 GREG BERLING: Unless anyone has any
25 questions of me.

1 MR. HEHMAN: I think the site plan
2 speaks for the biggest part, so --

3 MR. POHLGEERS: I do have one
4 question.

5 GREG BERLING: Want me up there?

6 MR. POHLGEERS: I think this is an
7 easy straightforward question. At the planning
8 commission meeting, towards the end of the meeting
9 there were questions brought up about open space and
10 percentages of open space. Could you just address
11 that for me?

12 GREG BERLING: Yeah. So just kind of
13 a CliffsNotes version. In the zone there is -- the
14 zoning asked for percentage of active open space
15 versus nonactive open space. We are well above the
16 active total open space needed. In this residential
17 cluster zoning that I went through here, that I
18 proposed, it allows for putting the living units on
19 the property that is the buildable area, so on this
20 property the topography carries down to the creek
21 down at the bottom. So we're massing the
22 single-family residential homes up on the buildable
23 area. So the open space is below these. It's the
24 trees that lead down to the creek.

25 And what I brought up in my argument

1 to the planning commission, the planning commission
2 was requiring or wanting more active open space, is
3 that we are right across the street from a
4 brand-new -- well, brand-new renovated park which
5 the residents will use. I also am providing active
6 open space down on top of the detention basin. The
7 unground detention basin has an overlook into the
8 trees, so that's kind of where I went on that.

9 MR. POHLGEERS: It's my understanding
10 that the hillside that you referenced, that's going
11 to be relatively untouched, correct?

12 GREG BERLING: I want it that way,
13 yes. That's an amenity for the new residents there.

14 MR. POHLGEERS: Okay. That's all I
15 have.

16 MR. HEHMAN: Any other clarifications
17 from Mr. Berling?

18 All right. Thank you.

19 So Council, with that we just need to
20 figure out which direction we're going. So
21 basically I'm asking for a motion whether you're
22 going to adopt the findings as a result of this
23 discussion and approve the map amendment, that would
24 be --

25 MR. DEATHERAGE: Mayor, I'll make a

1 motion that we approve the findings of PDS and
2 approve the map amendment.

3 MR. HEHMAN: Mr. Deatherage.

4 MS. BURNS: I second.

5 MR. HEHMAN: Second, Ms. Burns. With
6 that, do we need a roll call --

7 MS. PARSONS: Do a roll call.

8 MR. HEHMAN: Amy, roll call.

9 MS. GUENTHER: Mr. Deatherage?

10 MR. DEATHERAGE: Yes.

11 MS. GUENTHER: Ms. Burns?

12 MS. BURNS: Yes.

13 MS. GUENTHER: Ms. Boerger?

14 MS. BOERGER: Yes.

15 MS. GUENTHER: Ms. Nachazel?

16 MS. NACHAZEL: Yes.

17 MS. GUENTHER: Mr. Pohlgeers?

18 MR. POHLGEERS: Yes.

19 MS. GUENTHER: Ms. Roeding?

20 MS. ROEDING: Yes.

21 MR. HEHMAN: All right. Motion
22 carries. I'll need a motion to come out of the
23 public hearing.

24 MR. POHLGEERS: Motion to come out of
25 public hearing.

1 MR. HEHMAN: Mr. Pohlgeers.

2 MR. DEATHERAGE: Second.

3 MR. HEHMAN: Second, Mr. Deatherage.

4 All in favor?

5 (Motion passed unanimously.)

6 MR. HEHMAN: Any opposed?

7 The public hearing is now closed.

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10 (PROCEEDINGS CONCLUDED AT 6:58 P.M.)

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I, Kelly Steidle Brabender, Notary Public
in and for the State of Kentucky at Large, certify
that the foregoing transcript was reduced by
typewriting, by computer, under my direction, and is
a true and complete record to the best of my ability
and understanding.

IN WITNESS WHEREOF I have subscribed my
name and affixed my seal this 11th day of March,
2022.

Kelly Steidle Brabender
Notary Public KYNP#12186
My Commission expires: 9/28/2024