

**CITY OF FORT MITCHELL, KENTUCKY
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBER
2355 DIXIE HIGHWAY, FORT MITCHELL, KY 41017
May 1, 2023, 6:30 p.m.**

CALL TO ORDER / ROLL CALL

Mayor Hehman called the regular council meeting to order at 6:30 p.m. and led the Pledge of Allegiance to the Flag.

MAYOR AND COUNCIL MEMBERS PRESENT

Mayor Hehman asked Ms. Guenther to call roll. The following council members were present: Vicki Boerger, Jeff Dietrich, Jerry Deatherage, Greg Pohlgeers, Dr. Alyson Roeding, and Michael Stoeckle. Kim Nachazel was absent. A quorum was present.

OTHERS PRESENT

Attorney, Olivia Amlung; City Administrator, Edwin King; City Clerk/Treasurer, Amy Guenther; Police Chief, Rob Nader; Fire Chief, Adam Fuller; Public Works Director, Nick Tewes and Programs Coordinator, Joe Christofield.

APPROVAL OF THE AGENDA

Mayor Hehman stated that Resolutions 2023-09 Adopting a City Road List and 2023-10 Surplus of Police Equipment were added to the agenda. Mr. Deatherage made a motion to approve the agenda and Mr. Pohlgeers seconded the motion. Mayor Hehman asked if there was any discussion. Hearing none, Mayor Hehman called for a voice vote. The motion carried with all ayes.

APPROVAL OF THE MINUTES

Mayor Hehman asked if there were any changes to the April 17, 2023, minutes. Ms. Boerger made a motion to approve the minutes and Dr. Roeding seconded the motion. Mayor Hehman called for a voice vote. The motion passed unanimously.

CITIZENS AND GUESTS

Mayor Hehman stated that there were quite a few citizens and guests in attendance at the meeting and asked if any guests wished to speak. No guests spoke.

PRESENTATION ON DEVELOPMENT AGREEMENT FOR BUTTERMILK PIKE/ROYAL DRIVE DEVELOPMENT AREA

Mayor Hehman stated that there have been many versions of the development agreement that included a lot of give and take between the City and the developers. The project will need state TIF approval for infrastructure, sanitation storm and water line improvements. Marty Butler, attorney with Strauss & Troy, presented on behalf of Buttermilk Pike Development Company. Other Buttermilk Pike Developers in attendance were Mike Brandy, Rudy Kreutzjans, Greg Berling, Dick Spoor, and Gary Blank from St. Elizabeth.

This project is a mixed use, commercial and residential 25-acre development fronting Buttermilk Pike, along Royal Drive to Grace Avenue. Royal Drive will need to be moved to the middle of the project to get good use of the land. The project will involve removing, relocating, and reconstructing Royal Drive and all the utilities and adding two new public roads. The Kentucky Transportation Cabinet will add additional lanes on Buttermilk Pike.

There are five areas in the project:

Lot 1 – Premier continuing care retirement community would contain 195-300 rooms and employ 104 people, with a payroll of approximately \$7.2 million. 190 people have put a deposit down. There may be a 4,000 square feet parking garage.

Lot 2 - Plans are for a medical office building, which would create 400-550 jobs with a payroll of approximately \$40 million. It is estimated that 20% of the employees would live in Ohio.

Lot 3 - There are possibly 3 different uses for this property, including full service and drive-thru restaurants and a service business. There would be a maximum of 4 drive-thru restaurants, including a coffee drive-thru.

Lot 4 - Considering this space for possible retail use, select service hotel and restaurant.

Lot 5 - Considering service business.

These are some types of uses that are not set yet.

The City needs a text amendment to change any setbacks. A new TIF application has been filed and the project is currently awaiting approval from the State to help finance the project. Hopefully, by December 2024, the road and utilities will be complete. Plans are for the retirement community to be completed in 2026 and the medical office should be completed in 2029 or 2030. Most of the work will happen in 5-7 years. There will be signage to enter the complex from Buttermilk Pike and will be modeled after the other entry. The City will be consulted about this. There will be signage on two sides of the buildings. The City has negotiated payment in lieu of taxes along with road and park taxes. City revenue is estimated to be \$12 million over 30 years.

This project will also service travelers on I-75. The agreement calls for a contribution from the City of \$2 million, since the City would have to reconstruct Royal Drive, regardless of the development at this cost. The City will take responsibility for the reconstructed sewer line, since SD1 will not take it over.

Mr. Deatherage thanked the members of the development group for their hard work and stated that he supports this development.

Mr. Pohlgeers stated that he appreciated St. Elizabeth and asked if the revenue would cover police and fire costs. Chief Fuller projected the Fire Department runs will be comparable to when the City covered all Crestview Hill's doctor offices and retirement communities. Fort Mitchell Fire Department's current staffing and equipment should be able to cover the new development.

Mr. Dietrich asked if the City's current roads will be able to handle additional traffic. Mr. Berling stated that turn lanes with stacking from both directions should be able to handle the traffic, as shown through traffic studies.

Mr. Pohlgeers and Ms. Boerger stated that they would like an upscale development for the Buttermilk/Royal Drive development area.

Mayor Hehman read a letter from council person Nachazel, who supports a national brand hotel and is conflicted about drive-thru restaurants. Ms. Nachazel stated that she would like the development to blend in with the surrounding community.

Mr. Pohlgeers stated that he would like the type of drive-thru restaurants to be defined in the agreement. Mr. Deatherage stated that the development agreement authorizes different amounts of drive-thru restaurants in a few of the areas, that add up to more than four. Mr. Butler stated that the number of drive-thru restaurants can be restricted, such as having 2 restaurants in Lot 4. Mr. Pohlgeers stated that he would be very supportive of that.

Mr. Blank stated that all three development parties have to agree on what goes into the area. The Municipal Order is authorizing Mayor Hehman to sign a development agreement.

Dr. Roeding asked if there is a required amount of green space in the upcoming development. Mr. King stated that would be addressed with zoning and since this is a compact development, there would be limitations.

Mr. Parsons stated that any contract can be amended. Mr. Parsons stated that the City is not responsible for any of the bonds in the development. Mr. Dietrich stated that the City is pledging 80% of general property and occupational taxes to the project. The investment in the developed area will be over \$160 million over 30 years.

Mr. Pohlgeers stated that he is concerned about zoning. Mr. King stated that the text amendment would have to come back to council for their approval.

At approximately 9:45 p.m., Dr. Roeding made a motion for a five-minute break. Ms. Boerger seconded the motion. Mayor Hehman asked for a voice vote and the motion passed with all ayes.

At approximately 9:55 p.m., Ms. Boerger made a motion to return to the meeting. Mr. Stoeckle seconded the motion. Mayor Hehman asked for a voice vote and the motion passed with all ayes.

Mayor Hehman stated that since the developers left the room for a private discussion, the attorneys report would be read and Council would return to the development agreement agenda item when the developers came back into the room.

CITY ATTORNEY'S REPORT

Ms. Amlung performed a second reading of **Ordinance 2023-05 Amending Traffic Schedule Provisions**. Mr. Pohlgeers made a motion to approve Ordinance 2023-05 as read. Dr. Roeding seconded the motion. Mayor Hehman called for a roll call vote. The motion passed unanimously.

Ms. Amlung read **Resolution 2023-08 Surplus of .1701 Acre of Real Property at St. Johns Road**. Mr. King stated that this is the sale of a random parcel with excess right of way. The sale is required to be bid out by law. Mayor Hehman stated that the excess land is a liability. Mr. Deatherage made a motion to Resolution 2023-08. Ms. Boerger seconded the motion. The motion carried with all ayes.

Ms. Amlung read **Resolution 2023-09 Adopting City Road List**. Mr. King stated that this resolution approves a road list that has not changed. Mr. Pohlgeers made a motion to approve Resolution 2023-09 and Mr. Stoeckle seconded the motion. The motion carried with all ayes.

Ms. Amlung read **Resolution 2023-10 Surplus of Police Equipment**. Chief Nader stated that the Police Department would like to donate two driver's training helmets to Lakeside Park Police Department, 2 Prolasers with adapters to the Pendleton County Sheriff's Office since they are older and no longer used by the department. Ms. Boerger made a motion to approve Resolution 2023-10 surplus this property and Mr. Deatherage seconded the motion. The motion carried with all ayes. Chief Nader stated that he

will be bringing a surplus request to donate two dodge chargers and light bars at the next meeting to be donated to Williamsburg since the do not have the money to purchase cars.

PRESENTATION ON DEVELOPMENT AGREEMENT FOR BUTTERMILK PIKE/ROYAL DRIVE DEVELOPMENT AREA (CONTINUED)

The developers agreed to limit the drive-thru restaurants to two in area 4 if there is a hotel or luxury apartment and 3 if there is not. Drive-thru restaurants are limited to four in the entire development, including one coffee shop. Mr. Pohlgeers stated that he did not want any equipment sales outdoor storage or predominately used car lots.

Ms. Amlung performed the first reading of **Municipal Order 2023-03 Development Agreement for Buttermilk Pike/Royal Drive Development Area With Amendment**. Ms. Amlung read the Municipal Order 2023-03 and changing the development agreement to limit drive-thru restaurants to 4 for the entire development and 2 drive-thru restaurants in lot #4 if there is a hotel or luxury apartment and 3 if there is not. The same provision for lot # 3 was also included. Also, no outdoor equipment sales storage and predominately used cars sales would be allowed in the development. Mr. Deatherage made a motion to approve Municipal Order 2023-03 as read and Dr. Roeding seconded the motion. The motion carried with all ayes.

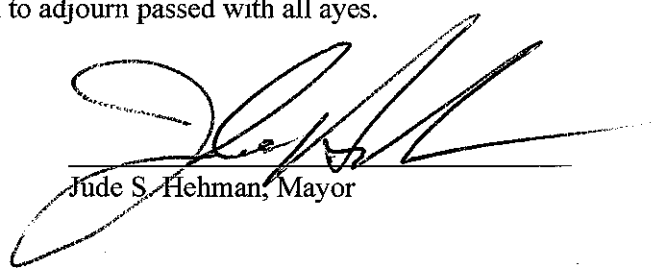
Ms. Boerger	Yes	Mr. Deatherage	Yes
Mr. Dietrich	Yes	Mr. Stoeckle	Yes
Mr. Pohlgeers	Yes	Dr. Roeding	Yes

MAYOR'S REPORT

- General Ormsby Mitchel Park's opening ceremony will be Tuesday, May 2nd at 5:30 p.m.
- Scooter Derby is 6:00 p.m. at General Ormsby Mitchel Park on Thursday, May 4th.
- There is a new I-75 rendering.
- The mayor will sign the Bestway trash pickup renewal contract.

ADJOURNMENT

Ms. Boerger made a motion to adjourn the City Council meeting and Dr. Roeding seconded the motion. Mayor Hehman called for a voice vote. The motion to adjourn passed with all ayes.



Jude S. Hehman, Mayor

Prepared By:



Amy K. Guenther, City Clerk/Treasurer