

## **CITY OF FORT WRIGHT, KENTUCKY SPECIAL MEETING**

**MAY 21, 2014 – 6:00PM**

Mayor Nienaber opened the meeting at 6:04PM with a Pledge of Allegiance and a moment of silence. The following members answered roll call, Mr. Dave Hatter, Mr. Bernie Wessels, Mr. Scott Wall, Mr. Joe Averdick and Mr. Adam Feinauer. Also in attendance were City Administrator Gary Huff, City Attorney Todd McMurtry, Fire/EMS Chief Steve Schewe, Police Chief Dan Kreinest, Public Works Director Tim Maloney and City Clerk Joyce Woods. Mr. Dave Abeln was unavailable for this meeting.

In attendance were Joe Lawrie, Attorney Tim Thiessen and a few other people regarding the Shimmers property that there is a contract to purchase at this time. There was discussion regarding a Text Amendment introducing new uses to that zone, and we have discussed parking for their business in a previous caucus meeting. Joe Lawrie addressed Council and explained when his business, 123 Wellness Inc. was started and explained that their location in Hebron was getting too small. They have nine employees and sell high end commercial equipment to the YMCA, parks and rec centers and other fitness businesses. When they came upon the Shimmers building they knew it would work for the capacity they were looking for. They are open to building beautification, and have good business practices and would be an asset to the City of Fort Wright. The parking that is available is sufficient for the proposed business and also there is a reciprocal parking agreement with the business in the surrounding area. They would also agree to have a development agreement with the City if the other property needs more parking for their business. There is a Cross-Easement in effect for access and parking that has been effect since 2008, if Mr. Lowery would like to relinquish this agreement if it makes better sense with the hotel next door and for future development. Mr. Lowery passed out a drawing of the improvements that they have planned for the beautification of the building. They are keeping with the theme of the newer remodeled building next door.

Attorney Tim Thiessen answered questions that Mayor and Council had regarding plans for this site. He stated that if Council has any reservations regarding this business locating at this location they would like to know tonight so that the process would be stopped and there is no more expense for Mr. Lowery. Mr. Huff stated that this will be a lengthy wording for this text amendment and we will have to work on how we want to present it.

Motion by Mr. Wessels, second by Mr. Averdick to authorize the Mayor and Staff to submit an application for a text amendment to change the text for the Shimmers property from LHS Zone to a modified version of what was submitted here. To include parking changes and the development agreement.

Motion by Mr. Wessels, second by Mr. Averdick to approve. Roll call vote taken, Wessels, Averdick, Hatter, Wall and Feinauer voting in favor, no one opposed. Motion passed.

Mr. Huff advised that we will try to get everything worked out and bring NKAPC into the discussion.

First Reading Ordinance 07-14 – Repeal of the Motor Vehicle Tax

Mr. McMurtry read this Ordinance. Motion by Mr. Feinauer, second by Mr. Hatter to approve. Roll call vote take, Feinauer, Hatter, Wessels, Wall and Averdick voting in favor, no one opposed. Motion passed.

This will discontinue the Vehicle Tax as of July 1, 2014.

#### Unpaid Property Taxes – Hospitality Associates – Days Inn

Mr. McMurtry stated that letters were sent out on a fairly substantial amount owed by Days Inn for property taxes. The amount owed is \$3954.50 thru May 31, 2014. Mr. Huff wanted to discuss this with Council regarding the next step the City should take. Mayor Nienaber thinks there will be a meeting with Parker Mount, a representative for Day's Inn at the end of the week and would like to hold off for a week before we take the next step.

Mr. Maloney stated that we have multiple properties that are chronic nuisances and need to have something done as letters sent to them are not making them pay the fines. Mr. McMurtry stated that he has talked to Stacy Tapke at the County, and she advises the Inter-local Agreement should be in effect very soon. At that point Mr. McMurtry can proceed with collecting fines that have already been levied against the property owners, place liens on the property or start foreclosure, with the owners paying all legal fees.

Mr. Hatter suggested that the Finance or Economic Development Committees look at these blighted properties and take under advisement and discuss in committee.

Mr. McMurtry will meet with Tim and present a list to Council.

Motion to proceed to Executive Session Pursuant to KRS. 61.810 paragraphs, (b), (c), and (g) by Mr. Hatter, second By Mr. Feinauer. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Feinauer, second by Mr. Hatter to adjourn Executive Session and return to the special meeting. All members voting in favor, no one opposed. Motion passed.

#### Resolution 04-14 – Participating in a Lawsuit

Authorizing the Mayor to retain Counsel to file suit against the Board of Trustees of the Kentucky Retirement System. Motion by Mr. Wessels, second by Mr. Averdick to approve. All members voting in favor, no one opposed. Motion passed.

#### Update on OKI 2040 Transportation Plan

Mr. Wessels stated that He, Mr. Huff and Mayor Nienaber attended a meeting to support the Fort Wright projects. A handout was in the meeting packet with the projects according to priority of high, medium and low. They do have a luncheon set up with Senator Chris McDaniel to discuss projects for our area on May 28<sup>th</sup> at noon.

There was a meeting with Greg Schrand, owner of Shell and Marathon, regarding the Dixie Highway alignment. KDOT is willing to put in a curb cut on his properties, but wants him to pay for everything beyond the curb cut, moving tanks etc. with a price tag of \$300,000.00. Mr. Schrand showed the group his proposed re-development drawing for Marathon. Mr. Schrand and Mr. Lusby, owner of BP are okay with the zone change from LHS to CC, and all property would be conforming.

Mr. Huff stated that if all are agreeable he would bring the zone change to the June 4<sup>th</sup> meeting.

Draft Ordinance requiring Utility Companies to repair or replace City Streets damaged by them.

This will be brought to Council at the next meeting.

#### Nick Zumdick's Surgery

Nick fell over the winter on the ice and needs to have shoulder surgery on June 4<sup>th</sup>. This will be a large Worker's Compensation claim and he will be out most of the summer. We will be looking for temporary help to help Jeff Bethell in the Public Works Department.

#### Department Heads Report

Fire/EMS Steve Schewe reported that Rodeway Inn is getting rid of their franchise agreement and will be open as an independent owner as of January 1, 2015.

Police Chief Dan Kreinest reported that there was a break in at 207 Kyles Lane. Entered thru the garage door and no report of anything missing.

Public Works Director Tim Maloney reported that only the sidewalk is left to be done on Normandy and Monticello Drive.

Mr. Wall reported that the sculptor for the memorial statue is in Europe at this time and wants \$10,000.00 up front. The City cannot give him funds before the project is complete. Mr. Wall suggested that the Lee Family give him the money and the City re-imburse them when the project is finished. Mr. Wall has contacted the Lee Family and is waiting to hear from them. Mr. McMurtry suggested a contract and the money be put in escrow for the sculptor and would transferred to him when the project is complete.

City Staff met with the Garden Club regarding this project.

Motion by Mr. Averdick, second by Mr. Feinauer to adjourn the meeting. All members voting in favor, no one opposed. Motion passed.

Respectfully Submitted,

Joe Nienaber Jr., Mayor

Attest:

Joyce Woods, City Clerk