

## CITY OF FORT WRIGHT, KENTUCKY COUNCIL MEETING

SEPTEMBER 3, 2014 – 6:00PM

Mayor Nienaber opened the meeting at 6:03PM 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, Mr. Dave Abeln and Mr. Adam Feinauer. Also present for the meeting were City Administrator Gary Huff, City Attorney Todd McMurtry, Fire/EMS Chief Steve Schewe, Police Chief Dan Kreinest and City Clerk Joyce Woods. Public Works Director Tim Maloney was unavailable for this meeting.

### US Navy Hospital Corpsman Memorial Highway Dedication

Mayor Nienaber welcomed everyone to the meeting tonight and explained that at this meeting we were welcoming State Representative Diane St. Onge, State Senator Chris McDaniel, Shipmate Retired Chief Hospital Corpsman, US Navy, Charles "Dan" Daniel, for the dedication ceremony to honor all United States Navy Hospital Corpsman. Also in attendance were FORCM (SS/SW/FMF) Sherman E. Boss III, HMCS (FMF) John Boyle and HMC Karen Maxwell. The sign that was dedicated will be on Dixie Highway and the section will be from Rivard Drive to St. James Avenue. Mayor Nienaber noted people in the audience that were present for this dedication. Senator McDaniel, State Representative St. Onge and Dan Daniel all spoke briefly and Kenton County Sheriff Chuck Korzenborn played taps.

### Approval of Minutes

Motion by Mr. Averdick, second by Mr. Wall to approve the minutes of the 08-06-14 Council meeting. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Feinauer, second by Mr. Abeln to approve the minutes of the 08-20-14 Caucus meeting. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. Hatter, second by Mr. Feinauer to approve the minutes of the 08-25-14 Special meeting. All members voting in favor, no one opposed. Motion passed.

First Reading Ordinance 13-14 – Proposed rezoning of 1730, 1750, 1804 and 1820 Dixie Highway, from R-2 and LHS Zone to CC Zone

Martin Scribner, of PDS was in attendance for the meeting to answer questions regarding this Ordinance. Mr. Huff explained that the Marathon, BP, Shell and Skyline are all zoned LHS. Currently they are non-conforming properties, except Skyline, in the LHS Zone, which is a very limited zone. The proposal to re-zone the property to CC Zone is very comprehensive and allows for a variety of uses. This zone would make the three gas stations conforming and opens up a number of uses that the properties could use if the property was ever sold and redeveloped. This change went before the NKPC and was approved. If they change the structures that are currently there, this would have to go through a Stage I Development Plan to be approved. Thanks to Mr. Scribner for coming to the meeting.

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

Resolution 09-14 – A Resolution approving the transfer of Control of Time Warner to ComCast Corporation

Mr. Huff stated that there will be a change and another Resolution coming shortly as parts of ComCast will be spun off.

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

The agenda was amended to add the following item to tonight's meeting.

Opinion Letter from City Attorney Todd McMurtry on Projectile Shooting Instruments

At the Caucus meeting we had residents from Ashley Ridge present to advise the City on the overtaking of property by deer. They complained that they had no landscaping left, because it was all eaten by the deer. There have also been other complaints from other areas with this problem. Mr. McMurtry was asked to write up his opinion and of the Attorney General regarding the validity or the enforceability of our ban on launching projectiles in the City of Fort Wright where hunting purposes are concerned.

Mr. McMurtry stated his conclusion was that the Constitutional Amendment did not expressly prohibit cities regulating safety through use of police powers within the city limits. There is no State law that regulates hunting to the exclusion of Cities right to use police power to regulate hunting. Discussion follow.

First Reading Ordinance 14-14A. This Ordinance authorizes deer hunting by bow or crossbow only within City limits. Mr. McMurtry read this Ordinance. Discussion followed.

First Reading Ordinance 14-14B. This Ordinance pertains to deer hunting within the City of Fort Wright.

Mr. McMurtry read this Ordinance in summary. There was no vote on either Ordinance. Council will discuss this further at the Caucus meeting and have a vote on October 1, 2014 Council meeting.

Second Reading – Ordinance 11-14 – An Ordinance Fixing the Tax Rate for the Fiscal Year Beginning July 1, 2014, and ending June 30, 2015 Upon Real Estate, Personal and Mixed Property

Mr. McMurtry read this Ordinance in summary. This will be the compensating rate plus a 2% increase. Mr. Wessels has an objection to the plus 2%, he would like to take only the compensating rate. Discussion followed. Motion by Mr. Hatter, second by Mr. Averdick to approve. Roll call vote taken, Hatter, Averdick, Wall, Abeln and Feinauer voting in favor, Wessels voting no. Motion passed.

Second Reading – Ordinance 12-14 – An Ordinance Establishing An Assessment for the Collection of Waste Materials and Recyclable Materials for the Year Beginning July1, 2014 and ending June 30, 2015

Mr. McMurtry read this Ordinance in summary. This charge is the same as 2013. Motion by Mr. Feinauer, second by Mr. Wall to approve. Roll call vote taken, Feinauer, Wall, Wessels, Averdick and Abeln voting in favor, Hatter abstained, no one opposed. Motion passed.

## Administrator Report

Mr. Huff reminded Council that the Hope Box Derby will take place on 09-13-14 at Wright's Summit. The City has entered our car which will be driven by Sarah Maloney.

There is a sewer line located on Sleepy Hollow Road, across from St. Agnes, on property owned by the City. This property has never been used and there is no pipe located on this property. The City has no deed to this property and were asked to sign a Quit Claim Deed and return property to the Trenkamp Family. We will discuss this further at the September Caucus meeting.

## Department Reports

Fire/EMS Chief Schewe reported that Taco Bell is open for business in the City and all issues have been resolved.

Rodeway Inn's new owners have been cleaning up the property to make it a more presentable structure.

Police Chief Dan Kreinest reported that the new owners of Rodeway Inn have been more co-operative and will start remodeling soon. There have been a few prowler calls in the Lookout Heights area, keep valuables out of sight.

Mr. McMurtry reported that things going well.

City Clerk Joyce Woods reported that now that we have set the new tax rate and waste fee we can complete the bills and hopefully have them out by October 1, 2014.

Mr. Averdick stated that he drove around Fort Wright today and took pictures with addresses, of things around the area that look very bad and are a deterrent to the City. Dead trees and shrubs, weeds and other things growing out of gutters and sidewalks. The next Caucus meeting we will have a new list of Council directives and will discuss it in detail. In house maintenance report needs to be updated monthly.

Mr. Feinauer asked for everyone to watch out for school busses and joggers in the area.

Mr. Hatter reminded everyone that the City has a Twitter account.

Mr. Wall stated the drawings have been distributed for the Memorial and is asking for feedback.

Motion by Mr. Feinauer, second by Mr. Hatter 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