

## **CITY OF FORT WRIGHT, KENTUCKY COUNCIL MEETING MINUTES**

**JUNE 3, 2009 – 6:00PM**

Mayor Nienaber called the meeting to order with a Pledge of Allegiance and a moment of silence. The following members answered roll call, Mr. Bernie Wessels, Mr. Scott Wall, Mr. Joe Averdick, Mr. Adam Feinauer, Mr. Scott McMurtry and Mr. Dave Hatter. Also present were City Administrator Gary Huff, City Attorney Pete Summe, Fire/EMS Chief Steve Schewe, Police Chief Dan Kreinest and City Clerk Joyce Woods. Public Works Director Tim Maloney was unavailable for this meeting.

### **Citizen Comments**

Valerie and Larry Saunders of 1651 Park Road addressed Council regarding the pit bull on Vidot Court. Valerie thanked Councilmen and the Police Chief for their quick response and replies to calls and emails that were sent out. Ms. Saunders and Ms. Middendorf, with Council Lisa Stamm met Sergeant Marc Schworer at the County Attorney's office and made statements and were advised of a court date of 6/23/09. The owner of the dog has until 7/01/09 to vacate his residence. They stated that the vicious dog ordinance is not effective unless the dog leaves the residence and it has not. They also stated that they would like the City to adopt a specific breed pit bull ban as some of the surrounding cities have done and not have this happen again. Mr. Summe advised that any violation of the ban or an ordinance has to go through due process of the law.

Chief Kreinest advised that we should research all options and ordinances and bring this to the caucus meeting for more discussion.

Motion by Mr. Averdick, second by Mr. Feinauer to approve the minutes of the 05/06/09 Regular Council Meeting. All members voting in favor, no one opposed. Motion passed.

Motion by Mr. McMurtry, second by Mr. Feinauer to approve the minutes of the 5/20/09 Caucus Meeting. All members voting in favor, no one opposed. Motion passed.

### **Second Reading 2009-2010 Budget**

Mr. Huff advised that there is one modification before the second reading of the budget for St. Agnes Circle/Vidot Court project. On the carryover balance it reflects the expenditure of \$530,000 for the rebuilding of St. Agnes/Vidot and about \$200,000 for storm sewer work that will not be completed by the end of this fiscal year. The ending balance for 2009/2010 is the same; the figures were just moved forward. Mr. Summe read this Ordinance in summary. Motion by Mr. Hatter, second by Mr. Averdick. Roll call vote taken, Wessels, McMurtry, Wall and Feinauer voting in favor, no one opposed. Motion passed.

First Reading Ordinance 11-09 - Proposed Amended Stage I Development Plan submitted by D W Real Estate Holding LLC1 Number 1964R

This application is for proposed development at the Northeast intersection of Orphanage Road and Valley Plaza Parkway. The request is to allow for two retail buildings and NKAPC has recommended approval of this application. Jay Bayer addressed Council and stated that William Devin and Mike Brandy were in attendance to answer questions and advised that they had agreed to all conditions of approval. They hope to be starting construction this year. Mr. Summe read this Ordinance in summary.

Motion by Mr. Wessels to approve with the three conditions stated by NKAPC, seconded by Hatter. Roll call vote taken, Averdick, Feinauer and Wall voting in favor, McMurtry abstained, no, one opposed. Motion passed.

First Reading Ordinance 12-09 – Proposed Map Amendment to the Fort Wright Zoning Ordinance submitted by the City - Number 1962R

This was submitted by the City of Fort Wright to amend and approve a proposed map amendment changing an approximate 200 acre area located along both sides of Madison Pike between Kyles Lane and I-275 in Fort Wright. This area will be changed from TCFD and returned to previous zones and was approved by NKAPC. Mr. Summe read this Ordinance in summary.

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

City of Fort Wright Zoning Ordinance Text Amendment Application

This would allow restaurants in the PO-2 Zone as a permitted use instead of an accessory use. There is only one property in Fort Wright that this would be affected. This property is the Guardian Savings Bank and Frisch's Restaurant properties. Frisch's is an accessory use and would like to become a permitted use to be able to sub-divide the property.

Motion by Mr. Hatter, second by Mr. McMurtry to authorize the Mayor to submit an application to NKAPC to allow this change. Roll call vote taken, Wessels, Averdick, Feinauer and Wall voting in favor, no one opposed. Motion passed.

### Resolution 3-09 – Global Warming and Climate Change

Mr. Hatter stated that there are numerous ways to deal with energy efficiency and good environmental stewardship and there is much dispute on what they are. This Resolution is crafted in such a way that basically says, let's not let politics get in the way of science and make sure that if we take steps in this direction that we do it in a way that is not going to cripple business and drive up energy cost by a substantial amount of money. Mr. McMurtry stated that in this and surrounding areas coal is a big part of our economy and important that we are able to utilize this product. Mr. Summe read this Resolution.

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

This Resolution will be sent to State Representatives, Federal Delegation, Chamber of Commerce, KLC and MGLNK.

Motion by Mr. Hatter to amend the agenda to include proposed Resolution 4-09, second by Mr. Feinauer. All members voting in favor, no one opposed. Motion passed.

### Resolution 4-09 – Employee Free Choice Act/Card Check

Mr. Hatter explained that as a business owner and resident of the City of Fort Wright and taxpayer, the Employee Free Choice Act makes it very simple to unionize any company with three or more employees. There is documented evidence on what this would cost a business if this happens. This will drive up the cost of doing business and very bad for the struggling economy. Mr. Summe read this Resolution.

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

### Administrator Report

Mr. Huff advised that we have received our insurance premiums from KLC, with a guaranteed three year premium and a decrease of 6%. With Workers Comp added in, it will be an 8% decrease from last year at a substantial savings. We also receive a number of Grants throughout the year from KLC.

Grand opening of Battery Hooper Park will be on Saturday, June 6<sup>th</sup>, from 3-8PM. Lots of activity planned; hopefully we will have a good turnout.

Department Reports

Police Chief Dan Kreinest reported that there will be scheduled at the Museum on June 28<sup>th</sup> a program called Police Historical Day.

Monthly reports will be included at the Caucus Meeting.

Motion by Mr. Hatter, 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