

COUNCIL CHAMBER CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY

MINUTES OF THE REGULAR MEETING OF COUNCIL DECEMBER 12, 2012

Board of Council met in regular session on the above date at 7:00 p.m. The following members answered roll call:

MEMBERS: Wiethorn, Ratterman, Rich, Almoslechner, Guidugli, and Olliges. Mayor Edward Riehl presiding.

The meeting was opened with a prayer and pledge to the flag.

MOTION: By Wiethorn seconded by Rich that the Minutes of the regular Meeting of Council November 14, 2012 are accepted as received. Motion carried.

MOTION: By Guidugli seconded by Wiethorn that the following claims are paid:

General Fund	(88)	\$	274,714.51
General Fund (11/30/2012)	(10)		305,396.04
Capital Improvement	(4)		11,378.02
Parks	(8)		10,651.04
Municipal Road Aid	(2)		99.00
Community Oriented Police Program Fund	(2)		150.74
Port Bellevue (11/30/2012)	(1)		314.90

FOR THE RECORD: Mayor Riehl reported on the following:

Thanks to Bellevue Neighborhood Association and the Bellevue Renaissance for their Holiday decorating on Fairfield -- Great Job!

Thanks to everyone who participated in the Community Christmas Concert and procession to the BNA Crib scene dedication.

FOR THE RECORD: Mayor Riehl welcomed Superintendent Wayne Starnes and Bellevue Independent School Board Members. School Board Member Julie Webb Fisher presented to Council six pages of Bellevue High School "Pride Points" on Academic Accomplishments, Community Service, Arts, Clubs and Athletics. Included in the report was that Bellevue has ranked in the 51% of all state high schools academically. Ms. Webb Fischer thanked Mayor Riehl for removing a "faulty report" from the City website which incorrectly ranked Bellevue among Kentucky High Schools as well as the opportunity to present to Council and the viewing audience the accomplishments of Bellevue High School.

FOR THE RECORD: January 29 the School Board will hold a Community meeting.

FOR THE RECORD: City Administrator Keith Spoelker provided a memo to Council from Assistant Administrator Jody Robinson requesting Council consideration for modifying the Historic Preservation Incentive program and to increase the grant award from \$500.00 to \$1,000.00.

City FOR THE RECORD: Zoning Administrator John Yung reported that he is working on the Tree USA application. Member Rich questioned 2 trees at Center and Berry that appear to be dead. Member Rich was advised by John Yung that these trees are on private property and he is working with the property owner on this issue.

FOR THE RECORD: Fire Chief Auteri reported on the following:

Department has hired a full time secretary, Karen Strickley.

City of Dayton has allowed use of vacant land in the 100 block of Third Street for department training purposes.

Still looking for donations for the smoke detector program.

FOR THE RECORD: Member Wiethorn questioned the expansion of the Historic Preservation façade grant awards and requested Council consideration to include homes on the National Historic registry beyond the local district. Member Almoslechner requested the grant guidelines and application process be made available to Council.

FOR THE RECORD: David Knox, Real Estate Broker and TJ Williams Real Estate Agent addressed Council to appeal a staff decision to deny rental conversion funds for the property they purchased and rehabbed at 137 Division Street. The home is located in the Historic District. Issues surrounding the grant request include no official notice provided to Mr. Williams to proceed – Mr. Williams contends that Code Enforcement Officer Terry Baute inspected the property to verify 2 family status. Zoning Administrator John Yung informed him that at the time there were no funds available he would need to apply after the new fiscal year. Second issue surrounding the grant request is that Mr. Williams failed to have the proper Historic Preservation COA. In fact, Mr. Williams acted in direct violation of the Historic Preservation Commission ruling on February 6, 2012 by replacing windows when he was instructed not to. Mr. Williams contends that the windows were excessive in cost to repair – (estimate of \$13,000.00), staff report and inspection by Terry Rasche as provided to HP Commission was inaccurate. Mr. Williams contends that he spoke to Terry Rasche and he denied the report that was provided to HP. Mr. Williams further states that he did not receive proper notification as per Historic Preservation guidelines.

MOTION: By Guidugli seconded by Almoslechner to award the \$5,000.00 Rental Conversion Grant to TJ Williams for the property located at 137 Division PROVIDED that Mr. Williams produces a written statement from Terry Rasche that he denies the report provided to Historic Preservation Commission regarding the windows. FOR THE RECORD: Question on the Motion and further discussion by Council. FOR THE RECORD: MEMBER GUIDUGLI STATED HE WOULD LIKE TO RESCIND THE ABOVE MOTION.

MOTION: By Olliges seconded by Rich that Council deny the Rental Conversion Grant application for the property located at 137 Division Street. FOR THE RECORD: Question on the Motion and further discussion by Council. Roll call vote requested. VOTE: Yes 3 No 3 FOR THE RECORD: dissenting votes cast by Members Guidugli, Wiethorn and Almoslechner. FOR THE RECORD: MAYOR RIEHL CAST THE TIE BREAKING VOTE OF YES. MOTION CARRIES.

MOTION: By Wiethorn seconded by Guidugli to award the \$5,000.00 Rental Conversion Grant to the investors of 137 Division (DDD Restoration) with the understanding that the intent of the Rental Conversion Grant was met. Roll call vote requested. VOTE: Yes 3 No 3 FOR THE RECORD: dissenting votes cast by members Ratterman, Rich and Olliges. FOR THE RECORD: MAYOR RIEHL CAST THE TIE BREAKING VOTE OF NO. MOTION DIES.

Almoslechner stated that the School will host a Christmas Concert on December 13 6 pm at Ben Flora gymnasium.

MOTION: By Wiethorn seconded by Almoslechner that any current Christmas lighting on telephone poles be declared as surplus property and replaced. Motion carried.

FOR THE RECORD: Mayor Riehl recognized Members Wiethorn and Ratterman as their term of Office officially expires December 31. Member Ratterman having served as Council Member since 2005 and Member Wiethorn for his past term of Office of Council Member as well as his prior terms served both on Council and as Mayor. On behalf of State Representative Dennis Keene, Mayor Riehl presented to Members Wiethorn and Ratterman a citation from the House of Representatives in appreciation for their years of service.

FOR THE RECORD: Member Ratterman expressed appreciation for the opportunity to serve and the trust bestowed to him from the residents of Bellevue.

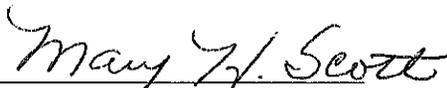
FOR THE RECORD: Member Wiethorn stated he will always hold the community in his highest regard and will continue his love and support of the residents of Bellevue. Best of luck to the new Council in their efforts and transformation of Bellevue.

FOR THE RECORD: Mayor and Council applauded the efforts of both Members Wiethorn and Ratterman and their service to the City of Bellevue.

MOTION: By Wiethorn seconded by Ratterman to adjourn at 9:10 pm Motion carried.

Mayor Edward M. Riehl

ATTEST:



Mary H. Scott, City Clerk

I hereby certify that the foregoing meeting was held in compliance with the requirements of the appropriate provision of H.B. 100 effective 6-21-74 also referred to as KRS Ch 61 on this 12th day of December, 2012.

Mary H. Scott, City Clerk

FOR THE RECORD: Member Ratterman stated that steps were missed in reference to the above issues surrounding 137 Division and that in the future proper documentation be used by staff.

FOR THE RECORD: Robert Rothfuss, 812 Lincoln Road addressed Council with the following:
Requested status of Lincoln Road project and anticipated beginning date of repair. Administrator Spoelker advised that the City is still securing State funding for the project, design work should begin in spring of 2013.

Stated he has a deer problem, ten deer roam his property causing damage to vegetation. Mr. Rothfuss requested permission to kill the deer by gun, crossbow or bow and arrow. Attorney Alley advised that discharge of firearms is prohibited within city limits pursuant to Ordinance 2007-12-02. Administrator Spoelker advised Mr. Rothfuss he would have the Police Chief contact him.

MOTION: By Guidugli seconded by Ratterman that Ordinance 2012-11-01 repealing and replacing Ordinance No. 2008-11-03 of the City of Bellevue with a new more effective and efficient Chronic Nuisance Properties Ordinance be read for a second time in summary. Motion carried.

MOTION: By Ratterman seconded by Olliges that Ordinance 2012-11-01 pass the second reading in summary. VOTE: Yes 6 No 0. Motion carried. THE ORDINANCE BECAME LAW.

MOTION: By Ratterman seconded by Wiethorn that Ordinance 2012-11-02 amending Chapter 130.99 of the Bellevue Code of Ordinances and Ordinance 84-11-3 to update the restricted curfew times for persons under the age of eighteen be read for a second time. Motion carried.

MOTION: By Wiethorn seconded by Guidugli that Ordinance 2012-11-02 pass the second reading. VOTE: Yes 6 No 0. Motion carried. THE ORDINANCE BECAME LAW.

FOR THE RECORD: Member Wiethorn requested that Ordinance 2012-11-02 be forwarded to Superintendent Starnes to disseminate to the students and parents.

MOTION: Board By Wiethorn seconded by Ratterman that Ordinance 2012-11-03 a conjunctive ordinance of the of Commissioners of the City of Newport and the City Council of the City of Bellevue pursuant to the provision of KRS Chapter 81, amending the territorial boundaries of the two cities to provide that certain real property, more specifically described herein, shall be and is hereby added to the incorporated territorial limits of the City of Newport from the City of Bellevue and that certain real property shall be and is hereby added to the incorporated territorial limits of the City of Bellevue from the City of Newport be read for a second time by summary. Motion carried.

MOTION: By Wiethorn seconded by Ratterman that Ordinance 2012-11-03 pass the second reading by summary. VOTE: Yes 6 No 0. Motion carried. THE ORDINANCE BECAME LAW.

MOTION: By Ratterman seconded by Rich that Order 2012-12-01 an Order finding and declaring a Meyer Tailgate Spreader from Bellevue Public Services as surplus property and ordered sold be read. Motion carried.

MOTION: By Olliges seconded by Ratterman that Order 2012-12-01 be adopted as read. Motion carried.

MOTION: By Wiethorn seconded by Olliges that in the future when property is declared surplus the proceeds from the sale of the property be applied to any financed debt that department has. Motion carried.

FOR THE RECORD: Member Ratterman reminded that Bellevue High School will dedicate the Basketball Court to Mike Swauger on December 21. Member