



# City of Fort Wright

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## City of Fort Wright Special Council Meeting Wednesday, January 20, 2021 – 6:00 PM

### CALL TO ORDER

The Council Meeting was called to order at 6:00 PM by Mayor Dave Hatter. Mayor Hatter led the Pledge of Allegiance and a moment of silence. City Administrative Officer Jill Bailey called the roll.

Councilman Abeln	Here
Councilman Feinauer	Here
Councilman Wall	Here
Councilman Weber	Absent
Councilman Wessels	Absent
Councilwoman Witt	Here

Also present for the meeting were:

City Administrative Officer Jill Bailey  
City Attorney Tim Theissen  
Fire/EMS Chief Steve Schewe  
Police Chief Ed Butler  
Public Works Director Jeff Bethell  
City Engineer Martin Hellman

### CITIZEN COMMENTS/GUESTS

There were no citizen comments.

### NEW BUSINESS

**Ordinance 01-2021 Tax Amnesty Program** – Mayor Hatter said there has been a lot of discussion involving Council, City Administration Staff, and City Attorney Tim Theissen regarding complaints on the penalty and interest fees for the 2020 Real Property Tax Statements. He said Council has taken a hard stance in the past on not waiving the penalty and interest assessed after the December 31<sup>st</sup> due date, and after discussion with Mr. Theissen it is confirmed that Council sets the Ordinance and cannot waive the fees. He said if something different must be done, it must happen with Council approval. Mayor Hatter acknowledged an issue within the current Ordinance regarding the 5:00 PM time deadline. He confirmed Council will need to codify in a new Ordinance exactly what the City will accept regarding date and time deadlines.

Mayor Hatter continued, saying that in the grand scheme of things, he and Council exist to serve the residents, not the other way around, and those who make this possible should not be punished. He said his opinion is if there is evidence that a reasonable effort was made to pay on time there should not be a penalty. He also mentioned that Mr. Theissen reiterated that Council cannot show favoritism, and

anything done must be enforceable across the board. Mayor Hatter said he thinks if residents tried to do the right thing by paying on time that should be considered a good faith effort.

Ms. Bailey mentioned one of the things she and Mr. Theissen have been working on is more clearly outlining the steps needed to penalize late payments and what that also looks like with compensation for Mr. Theissen for collection of delinquent tax payments.

Mayor Hatter said over the last 20-plus years he has seen at least one or two people who want Council to act on forgiving penalty and interest fees, but he has never seen the outpouring of complaints or complete hatred expressed regarding the process as he has this year. Ms. Bailey said information was relayed to City staff about United States Post Office trucks waiting to be unloaded in Cincinnati but were delayed because of COVID-19 impacting their staffing. She also said Councilman Wessels relayed to her his opinion on following postmark dates and not bank draft dates, as well as his opinion that 30 days extension is sufficient, not going until June 30.

Mayor Hatter said the proposed Ordinance would waive penalty and interest fees for those who pay by June 30, 2021 and would refund those who have already paid penalty and interest fees this year. He said this would be a one-time, one-off exception. He said he is okay with changing the date from June 30<sup>th</sup>, as that was picked just because it was the end of the fiscal year. He also commented on the amount of paid property tax bills, saying by the January 6<sup>th</sup> meeting approximately 4% of statements had not been paid, but the City has received over 30 complaints by this meeting. Mayor Hatter said \$16,000 in penalty and interest would be waived no matter the date chosen by Council, but Council should give at least 30 days from the date the Ordinance is passed.

Councilwoman Witt requested clarification that this would be a one-time exception. Mayor Hatter said the hope is the new Ordinance would be gone through with a fine-tooth comb and to prevent these problems in the future.

Councilman Feinauer suggested reviewing Kenton County's one-time waiver program. Mayor Hatter said he is not against that, but it may create more work to track. He reiterated that he does not want to penalize the residents they serve, and Council will need to decide what determines a good faith effort.

Councilman Feinauer asked if someone came into the City Offices tomorrow to pay would their fees be waived. Councilwoman Witt said they could come in up to June 30 and have their fees waived.

Councilman Abeln suggested April 15<sup>th</sup> as a deadline.

Mayor Hatter reminded Council that the legal bill for Mr. Theissen may wind up being more than the \$16,000 that could potentially be waived for residents, as the City is spending an enormous amount of time and resources on this effort.

Councilwoman Witt suggested the extension end March 31<sup>st</sup>, and Councilman Feinauer and Councilman Wall agreed that that was a good idea. Mr. Theissen said the first reading of the Ordinance can be done at this meeting and second would be at the first meeting in February. He said City staff would send a letter by mail to those affected and March 31<sup>st</sup> should be far enough along, but with the pandemic he encouraged Council to give more time. He suggested April 30<sup>th</sup> as the deadline.

Councilwoman Witt expressed concern about those who did pay on time even with the pandemic and financial hardships. She said 96% of people paid on time but she feels pushing this new deadline out that

far might show that the City does not appreciate the effort of the 96%. Mayor Hatter said 88 people had not yet paid when the deadline came and at least 33 of those have contacted the City. He said it is a relatively small group of people, but he feels it is the right thing to do with the circumstances. He also said whatever is chosen there needs to be a date and time as precise as possible.

Ms. Bailey said March 31<sup>st</sup> is fine, and City staff will get the letters out and issue refunds to those who have already paid. She said she thinks that is enough time.

Councilman Feinauer asked Ms. Bailey how many do not pay their property taxes and Ms. Bailey said last year it was approximately 20, a very small number.

After discussion, Mayor Hatter said it sounds like everyone agrees on April 30<sup>th</sup> and Ms. Bailey confirmed April 30<sup>th</sup> at 5:00 PM will be the new deadline.

There was discussion about clarifying the waiver and it was confirmed by Mayor Hatter that no penalty and interest would be applied to any late account until after 5:00 PM on April 30<sup>th</sup>.

Mr. Theissen read Ordinance 01-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing an amnesty program for penalties imposed for delinquent real estate taxes for the fiscal year beginning July 1, 2020, and ending June 30, 2021, upon real estate in the City of Fort Wright< Kentucky; postponing imposition of said penalties and interest to April 30, 2021.

A motion to approve the Ordinance was made by Councilman Feinauer. Councilman Wall made a second. City Clerk Maura Russell called the roll.

Councilman Abeln	Yes	
Councilman Feinauer	Yes	
Councilman Wall	Yes	
Councilwoman Witt	Yes	MOTION CARRIED

## **EXECUTIVE SESSION**

Mayor Hatter requested a motion to adjourn to Executive Session under KRS 61.810 (1)(c) -- Discussions of proposed or pending litigation against or on behalf of the public agency. A motion was made by Councilman Abeln. Councilman Feinauer made a second. City Clerk Maura Russell called the roll.

Councilman Abeln	Yes	
Councilman Feinauer	Yes	
Councilman Wall	Yes	
Councilwoman Witt	Yes	MOTION CARRIED

The Council Meeting was adjourned to Executive Session at 6:28 PM.

The Council Meeting was reopened to the public at 6:37 PM.

**Resolution 01-2021 – Settlement Extension and Amendment with Community of Faith Presbyterian Church** – Mr. Theissen read Resolution 01-2021, a Resolution of the City of Fort Wright, in Kenton County, Kentucky, authorizing the Mayor to sign legal documents necessary to extend the deadline for closing of the settlement with the Community of Faith Presbyterian Church to 2-26-2021 and amending the terms to provide for continuation of the drainage and access easements of the City's property with stated limitations.

Councilman Abeln made a motion to approve Resolution 01-2021. Councilman Feinauer made a second. City Clerk Maura Russell call the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilwoman Witt	Yes

MOTION CARRIED

#### **ADJOURNMENT OF THE SPECIAL COUNCIL MEETING**

Councilman Abeln made a motion to adjourn the Special Council Meeting. Councilwoman Witt made a second. City Clerk Maura Russell called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilwoman Witt	Yes

MOTION CARRIED

The Special Council Meeting adjourned at 6:39 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell  
City Clerk