



City of Fort Wright

409 Kyles Lane | Fort Wright, KY 41011 | www.fortwright.com | 859.331.1700

City of Fort Wright Council Meeting Wednesday, February 1, 2023 – 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 Clerk Maura Russell called the roll.

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| Councilman Abeln | Present |
| Councilman Collins | Present |
| Councilman Wall | Present |
| Councilman Weber | Present |
| Councilman Wessels | Absent |
| Councilwoman Witt | Present |

Also present for the meeting were:

City Administrator Jill Bailey
City Attorney Tim Theissen
Fire/EMS Chief Steve Schewe
Police Chief Ed Butler
Public Works Director Jeff Bethell
City Clerk Maura Russell
Finance Clerk Kelly Perry

CITIZEN COMMENTS/GUESTS

Richard Eilers, 1849 Mount Vernon Drive, addressed Council regarding issues he and his neighbors have experienced with Duke Energy power outages. He said he started keeping records of outages in 2013 and has recorded 27 significant outages on his side of the street, but there are never outages on the other side. Mayor Hatter requested Mr. Eilers send to him the outage information and any other details, including a recent petition sent around that neighborhood with signatures, so the City can work with Duke Energy contacts and officials to rectify the situation.

APPROVAL OF COUNCIL MINUTES

Councilman Wall made a motion to approve the minutes of the Council Meeting held on Wednesday, January 4, 2023. Councilman Abeln made a second. Ms. Russell called roll.

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| Councilman Abeln | Yes |
| Councilman Collins | Yes |
| Councilman Wall | Yes |
| Councilman Weber | Yes |
| Councilwoman Witt | Yes |

MOTION CARRIED

Councilman Collins made a motion to approve the minutes of the Caucus Meeting held on Wednesday, January 18, 2023. Councilman Weber made a second. Ms. Russell called roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

UNFINISHED BUSINESS

2nd Reading of Ord 01-2023 amending the Parking Schedule (Ft. Henry) – Chief Butler reminded Council of the Ordinance, saying there are safety concerns with the stretch of Fort Henry Drive between Amsterdam Road and the church entrance, and this Ordinance would restrict parking on south/west side of the street. Mayor Hatter added that he does not like to restrict parking in the City, but this has become a safety issue.

Mr. Theissen completed the second reading of Ordinance 01-2023, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Chapter 75 Parking Restrictions of the City of Fort Wright Code of Ordinances prohibiting parking on part of Fort Henry Drive near Glengarry Way.

Councilman Weber made a motion to approve Ordinance 01-2023. Councilwoman Witt made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Wright's Point II Development Proposal – Jay Bayer, Bayer Becker – Mr. Bayer addressed Council, reminding them of the discussion held at the last Caucus Meeting about Towne Properties' intent to expand Wright's Point apartments. He said the company is going to submit a request to clean up the zoning and they are asking the City to submit a text amendment to allow for parking in the expansion to be one space per one-bedroom and one and one half spaces per two- or more bedroom units, which would fall in line with Kenton County's proposed Z21 ordinance recommendations.

Councilman Abeln made a motion to direct Ms. Bailey to file the text amendment request with PDS [Planning and Development Services of Kenton County] tomorrow with the condition that the developer will pay any fees associated with the filing. Councilwoman Witt made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Sperti Drive Design & Development Discussion – David Heidrich – Joe Michels was present in place of Mr. Heidrich, and said an email was sent to Council requesting they oppose any connectivity with the access road to

Sperti Drive near Madison Pike. Councilman Abeln and Mayor Hatter agreed it seemed like the right thing to do, as the access point seems unnecessary. It was determined the City would propose this with a Resolution. Mayor Hatter advised he would have this Resolution sent to State Representative Stephanie Dietz, State Senator Chris McDaniel, and the City of Edgewood.

Councilman Wall made a motion to approve Resolution 04-2023, opposing the construction of any access road through the site on the KY 17 side of the relocated Dudley Road (Sperti Drive); and secondarily, if a connection is deemed necessary, such road be constructed similar to the manner proposed (behind Waffle House), in a way that does not materially limit the development potential of the lot. Councilman Abeln made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Stryker CR2 AED Police Dept Equipment Proposal – Chief Butler – Chief Butler restated the request he proposed at the previous Caucus Meeting, saying research and discussion with Fire/ALS Chief Schewe has led the department to choose the LifePak CR2 Defibrillator for each patrol vehicle, using federal COVID funding to support the purchase of the devices and a preventative maintenance agreement valid for eight years. Mayor Hatter said they had previously discussed purchasing these devices, but they were cost-prohibitive at the time.

Councilman Wall suggested letting neighboring cities know that our officers are equipped with these devices.

Councilman Weber made a motion to approve the purchase of the AED devices for the Police Department along with the maintenance agreement. Councilman Collins made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

FW Committee Structures & Appointments – Ms. Bailey reviewed Council’s decisions at the previous Caucus Meeting for appointments to the City’s existing Committees.

Ms. Bailey introduced Executive Order 02-2023 appoints Councilman Wall and Councilwoman Witt to the Community Improvements Committee. Councilman Collins made a motion to approve Executive Order 02-2023. Councilman Wall made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Ms. Bailey introduced Executive Order 03-2023 appointing Councilman Weber and Councilman Wessels to the Finance Committee. Councilwoman Witt made a motion to approve Executive Order 03-2023. Councilman Weber made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes |
| Councilman Collins | Yes |
| Councilman Wall | Yes |
| Councilman Weber | Yes |
| Councilwoman Witt | Yes |

MOTION CARRIED

Repeal of Executive Order 04-2020 regarding COVID State of Emergency – Mayor Hatter said this Executive Order was put in place at the beginning of the COVID pandemic under the recommendation that the Mayor should have extra powers because of the state of emergency. Mayor Hatter said he never liked having this in place and has requested to rescind the Executive Order.

Mr. Theissen said the recommendation to keep Executive Order 04-2020 in place until now was to allow the City to be eligible for any federal funding that may become available. He said that money has now come to the City and there is not suspected to be any further funding. He said the state of emergency can be re-declared at any time if necessary.

Mayor Hatter thanked Council for their trust with the extraordinary power that comes with a state of emergency declaration.

Councilwoman Witt made a motion to approve Executive Order 01-2023, an Executive Order declaring an end to the State of Emergency. Councilman Weber made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes |
| Councilman Collins | Yes |
| Councilman Wall | Yes |
| Councilman Weber | Yes |
| Councilwoman Witt | Yes |

MOTION CARRIED

NEW BUSINESS

Spectrum Cable Charter Franchise Update – Tim Theissen – Mr. Theissen reviewed updates from TBNK's [Telecommunications Board of Northern Kentucky] ongoing negotiations with Spectrum/Charter Communications as a primary franchisee. TBNK is proposing moving forward with a similar contract to the one recently passed with Cincinnati Bell/altafiber, with two conditions, one of which includes no granting of a franchise agreement to a competitor of Spectrum/Charter. Ms. Bailey advised Tom Litzler, former Mayor of Fort Wright and long-time TBNK appointee by the City, and William Gullett are trustworthy, and she does not foresee any harm or issues with their recommendation.

Mr. Theissen advised that there is no action required of the City or Council unless they disagree with TBNK's negotiations and Attorney William Gullett's recommendations.

Resolution 01-2023 Opposition to HB/SB 50 – Requiring Partisan Elections – Mayor Hatter advised the Kenton County Mayor's Group has discussed this recent proposed legislation in both the House and Senate and is being strongly opposed by that group, as it would require partisan elections at the local level, including Council and

Mayor positions. He said it does not make sense because these positions are not partisan, and it would potentially create more primaries and more expenses. Mayor Hatter asked Council to pass the Resolution to oppose House Bill 50 and Senate Bill 50.

Mr. Theissen read the full text of Resolution 01-2023, a Resolution opposing the passage of Senate Bill 50 and House Bill 50 relating to partisan local elections. Councilman Wall made a motion to approve Resolution 01-2023. Councilman Collins made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Mayor Hatter advised he would be sending this approved Resolution to Representative Dietz, Senator McDaniel, members of the local and statewide Mayor's Groups, and the Kentucky League of Cities.

Resolution 02-2023 in Favor of HB 1 – Income Tax Reduction – Mayor Hatter said the state legislature has reduced the state income tax a half percent in the last cycle and this bill would reduce it a half percent further, with a plan to eventually take it to zero. He said he wants people to be able to keep their own money to the extent possible and this Resolution is a way to weigh in on that process and asking the legislature and Governor to continue lowering the income tax rate.

Mr. Theissen read Resolution 02-2023, a Resolution of the City of Fort Wright, Kentucky, supporting House Bill 1 before the Kentucky Legislature to reduce the state income tax rate to 4% beginning January 1, 2024. Councilwoman Witt made a motion to approve Resolution 02-2023. Councilman Abeln made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Resolution 03-2023 in Favor of HB 64 – Act Related to Police Certification – Mr. Theissen reviewed House Bill 64 which would expand the time for a separated peace officer, in service as of December 1, 1998, in Kentucky to lose their certification from 100 days to 365 days. Chief Butler clarified that the longer you are out of police service the more certifications you are required to re-complete. He said currently any peace officer out of service for 101 days must complete multiple trainings and this bill would expand that time to a full year of separation without losing certifications. Mayor Hatter added that it is difficult to find and retain police officers and this would assist with retention.

Mr. Theissen read Resolution 03-2023, a Resolution of the City of Fort Wright, Kentucky, supporting House Bill 64 before the Kentucky Legislature to amend KRS 15.400 to extend the period of time that a peace officer, who was employed as a peace officer as of December 1, 1998, may be separated from service before losing his or her certification status from 100 days to 365 days.

Councilman Weber made a motion to approve Resolution 03-2023. Councilman Wall made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

Mayor Hatter said the legislature on February 7th and he will make sure these Resolutions are distributed to the Governor, Representative Dietz, Senator McDaniel, the Mayor's Group, and on social media for residents.

COMMITTEE REPORTS

Community Improvement Committee – Councilwoman Witt – Mayor Hatter commented that the gateway signage is currently in production and he is looking forward to seeing the signs in the City. Ms. Bailey said there will be seven larger signs and four smaller signs installed by the production company at City gateway points.

Finance Committee – Councilman Weber – Councilman Weber said Republic Bank representative Lynne Cole joined the Finance Committee meeting today to ensure all paperwork was in place for the interest rate increases and she will be bringing ideas to the next meeting on how the City can leverage other existing accounts to get higher rates. Councilman Weber said they had a call with RSA from Louisville, a company that does similar work to RedTree Investment Group, and added that they are not planning to leave RedTree, just get more information.

Mayor Hatter reminded residents that all financial information for the City is available on the website, including OpenGov, budgets, and audits.

CAO REPORT

Ms. Bailey said she included in her written report a 2022 tax rate comparison, put together by Ms. Perry, for Council to see where the City ranks in Kenton County. She said the City currently has the fifth lowest property tax rate and the lowest payroll tax.

DEPARTMENT REPORTS

Administration/Finance – Ms. Russell said 2.5% of property tax bills and 2.4% of tangible tax bills are outstanding. Mayor Hatter thanked residents for prompt payment of their tax bills.

Fire/ALS Department – Chief Schewe discussed the initiative started by Kentucky Attorney General Daniel Cameron titled "Operation Fight Fentanyl" for which he attended a roundtable discussion, and said he will attend future meetings. He said fentanyl is impacting everyday people, not just hardened criminals or long-time drug users, and Kentucky will be receiving approximately \$840 million to combat the issue.

Legal Counsel – Mr. Theissen said he had matters to discuss in Executive Session.

Police Department – Chief Butler reminded residents that car thieves can hit in the winter too, saying there is an increase in thefts from vehicles in the area.

Mayor Hatter reminded residents about the Police Department’s vacation check program. He also discussed coyotes, with Chief Butler adding that there is not much the Police Department can do from an animal control standpoint. He said Kenton County Animal Control mainly deals with domesticated animals and the Kentucky Department of Fish and Wildlife may assist if there is a major problem. Chief Butler suggested residents treat coyotes like deer as they are not likely to attack humans and there is no ability to capture and relocate the animals.

Public Works Department – Mr. Bethell said winter weather has kept his department busy. He said they are also working to do some sidewalk replacement and pothole patching when the weather allows.

SPECIAL ANNOUNCEMENTS

Employee Recognitions/Special Thank You’s – Mayor Hatter addressed Mr. Bethell and the Public Works Department, thanking them for their work when winter weather hits. He said the City has 40 lane miles, two interstates, and several state routes, and the team has three people taking care of plowing and salting in the City, with some assistance from Fire and Police personnel. Mayor Hatter said one of the most common things he hears from residents and neighboring cities is that Fort Wright has the best streets in winter weather. He encouraged residents to share feedback for all departments when there is a positive interaction with staff.

Mayor Hatter shared two letters regarding positive feedback for Officer Mike Gross. He also shared that Fort Wright resident Debbie Ogden was named 2022 Special Olympics Coach of the Year, saying she coaches swimming.

COUNCIL COMMENTS

Councilwoman Witt – She said the 10th annual community clean-up day will be on April 22nd. Mayor Hatter encouraged residents to come out for that event.

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, and KRS 61.810 (1)(b), deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency. A motion was made by Councilman Weber. Councilman Abeln made a second. Ms. Russell called the roll.

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| Councilman Abeln | Yes | |
| Councilman Collins | Yes | |
| Councilman Wall | Yes | |
| Councilman Weber | Yes | |
| Councilwoman Witt | Yes | MOTION CARRIED |

The Council Meeting was adjourned to Executive Session at 7:46 PM.

The Council Meeting was reopened to the public at 8:25 PM.

Councilman Collins made a motion to approve and have Mayor Hatter sign a settlement agreement and release for PILOT payments between Wright Summit III, a Kentucky Limited Liability Company, and the City of Fort Wright. Councilman Wall made a second. Ms. Bailey called the roll.

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|--------------------|-----|
| Councilman Abeln | Yes |
| Councilman Collins | Yes |
| Councilman Wall | Yes |
| Councilman Weber | Yes |
| Councilwoman Witt | Yes |

MOTION CARRIED

ADJOURNMENT OF THE COUNCIL MEETING

Councilman Abeln made a motion to adjourn the Council Meeting. Councilwoman Witt made a second. All voting in favor.

The Council Meeting adjourned at 8:27 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell, City Clerk