



City of Fort Wright

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City of Fort Wright Council Meeting Wednesday, March 4, 2020 – 6:00 PM

CALL TO ORDER

The Council Meeting was called to order at 6:00 PM by Mayor Hatter. Mayor Hatter led the Pledge of Allegiance followed by a moment of silence. City Clerk Maura Russell called the roll.

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

Also present for the meeting were:

City Administrative Officer Jill Bailey
City Attorney Kyle Winslow
Fire/EMS Chief Steve Schewe
Interim Police Chief/Captain Jonathan Colwell
Public Works Director Jeff Bethell
City Clerk Maura Russell

Mayor Hatter requested an amendment to the agenda to include a resolution to honor Interim Police Chief/Captain Jonathan Colwell. Motion made by Councilman Wessels. Seconded by Councilwoman Witt. City Clerk Maura Russell called the roll.

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

MOTION CARRIED

CITIZEN COMMENTS/GUESTS

There were no citizen comments.

Kathleen Romero, JARCWM Volunteer Recognition – Mayor Hatter introduced a resolution to recognize Ms. Kathleen Romero for her 15 years of service to the James A. Ramage Civil War Museum. Ms. Romero remarked that her 15 years volunteering for the City has been a learning experience and the knowledge she gained and fellowship she had was priceless. She stated that the City reaching out to recognize volunteers speaks volumes, and is why the City of Fort Wright is one of the best places to live, work, and play.

Mayor Hatter expressed appreciation for Ms. Romero, as a long-time resident and volunteer who has contributed an enormous amount of time and energy to the museum and other things around the City.

City Attorney Kyle Winslow read the resolution. Councilman Wessels made a motion to adopt the resolution. Councilman Feinauer made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

Interim Police Chief/Captain Jonathan Colwell Recognition – Mayor Hatter introduced a resolution to recognize Interim Police Chief/Captain Jonathan Colwell for his willingness to step up to the Interim Police Chief role after the retirement of former Police Chief Mark Schworer. Mayor Hatter said this would be Interim Police Chief/Captain Colwell's last meeting in the interim position and he will go back to the role of Captain starting on Monday, March 9, 2020, when the new Police Chief begins. He expressed his appreciation for Interim Police Chief/Captain Colwell filling the gap.

City Attorney Winslow read the resolution. Councilman Feinauer made a motion to adopt the resolution. Councilman Wessels made a second. City Clerk Maura Russell read the roll.

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

MOTION CARRIED

Swearing In Ceremony

Mayor Hatter gave the Oath of Office to Incoming Police Chief Ed Butler and new City Clerk Maura Russell.

Incoming Police Chief Ed Butler thanked the Mayor, Council, and staff for the opportunity to return to the City of Fort Wright. He said he had previously held the position of City Administrator and left to be Chief Deputy of the Kenton County Detention Center because of a calling to go back into criminal justice, and he's looking forward to getting back into the policing side of criminal justice. He said he will work to ensure the department serves the community and is there to help, not just a group that enforces the laws. He thanked the officers who attended the swearing in ceremony, and said he respects and appreciates them. He thanked interim Police Chief/Captain Colwell for the tremendous job he has done as Interim Chief for the last few months and stated he has been very helpful in assisting with the transition. He also introduced his family.

Mayor Hatter said he is very happy Incoming Police Chief Butler is returning. He said there was a very competitive process with 15 applicants who were all very qualified. Colonel Pat Morgan from the Kenton County Sheriff's Office, with many decades of knowledge, assisted with technical assistance on first round of interviews on his own time. It was narrowed down to three candidates and Incoming Police Chief Butler rose to the top as a man of integrity and character. Mayor Hatter also thanked Interim Police Chief/Captain Colwell for keeping everything together during the interim period, as well as the officers out on the streets doing the hard work.

Councilman Wessels thanked the police department for the work they do to keep the community safe. He expressed appreciation for the Police Department on behalf of himself, his family, and his businesses.

APPROVAL OF COUNCIL MINUTES

Councilman Feinauer made a motion to approve the minutes of the February 19, 2020, Special Council Meeting. Councilman Wall made a second. City Clerk Maura Russell called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Wessels	Abstain
Councilwoman Witt	Yes

MOTION CARRIED

UNFINISHED BUSINESS

First Reading of Ordinance awarding a Non-Exclusive Telecom Franchise – Mayor Hatter said this came to the City because a subsidiary of Verizon wanted to hang wires in the City and that led Council to decide how to set up a fair playing field to those already paying franchise here and those who may want to come in the future and use right-of-way that belongs to the citizens of Fort Wright. After discussion with attorneys, this is the agreement that was decided upon.

City Attorney Winslow said Verizon and other utility companies have a right to access the right-of-way, so this agreement gives them the right and charges them a fee. He said under this ordinance they are charging a fee of 5% of gross receipts, which is consistent with other jurisdictions. They have agreed to the terms and submitted a bid which the City accepted.

City Attorney Winslow read the first reading of the Ordinance confirming the sale and awarding of a non-exclusive franchise to MCImetro Access Transmission Services Corp. (d/b/a Verizon Access Transmission Services) for a term of five (5) years with option to renew upon mutual agreement, for a telecommunications franchise and for the construction, placement, maintenance and operation of facilities for the transmission, delivery, provision and sale of telecommunications services along, in, on, over and under the public rights-of-way within the City of Fort Wright, Kentucky, all upon the terms, conditions and covenants contained in the telecommunications franchise agreement. This ordinance establishes a franchise for these types of utility services and adopts an agreement between the City and utility provider and sets the franchise fee at 5% of gross receipts.

Councilman Wessels made a request to amend the Ordinance to correct the City Clerk name at the bottom of the document, removing Susan Ellis and adding Maura Russell.

Councilman Wall made a motion to accept the ordinance with the requested change by Councilman Wessels. Councilman Feinauer made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

Telecommunications Franchise Agreement with MCImetro – Mayor Hatter said the City has granted the non-exclusive franchise, and this is the agreement to enter into the arrangement with MCImetro.

Councilwoman Witt made a motion to accept the agreement with MCImetro. Councilman Wessels made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

NEW BUSINESS

Resolution in support of HB484 re: separation of CERS

Mayor Hatter said CERS is the County Employees Retirement System, the Kentucky-based retirement system that county and city employees participate in. He went on to say many years ago the City of Fort Wright filed a lawsuit to get out of CERS and a House bill working through the legislature this session to support the separation. He thinks the City should support it because the pension crisis is the single largest issue facing the City. The City currently sends about 11% of the budget to Frankfort for the pension every year, yet they still claim the City owes \$8 million.

Ms. Bailey added that the City of Florence had a resolution the City had been using as a model, but Councilman Weber expressed concern about HB484 not allowing a city to discharge its liability in bankruptcy. Ms. Bailey also said that Councilman Wessels has expressed some concerns, so actual resolution has not yet been drafted pending further comments from Councilmembers.

Councilman Wessels said his comments are similar to those of Councilman Weber's. He said if a city or municipality is allowed to go bankrupt and get out of the system, the burden is spread to the rest of the cities and is unfair. He does not feel any municipality, even under bankruptcy, should be allowed to discharge their pension liabilities onto other cities. Councilman Wessels supports the resolution in general, and knows not everyone will get what they want.

Mayor Hatter said the resolution has no force of law, but is a way to express the will and beliefs of City Council to legislators that they should act.

Councilman Wessels encouraged citizens to review the items the legislature is working on during this session to know where money is going. He specifically mentioned the pending health bill as well as a restaurant tax that has been proposed. Councilman Wessels also encouraged residents to call legislators to express their opinions.

Mayor Hatter reminded residents that the City of Fort Wright is represented by Senator Chris McDaniel (Senate District 23) and Representative Kim Banta (House District 63) and encouraged residents to reach out and express opinions on the legislature they are reviewing. He said this is a short legislation year, so there is not much time to get the opinion of the City of Fort Wright heard, and the idea is to model this resolution after the city of Florence. Mayor Hatter agrees that the points Councilman Wessels and Councilman Weber raises regarding bankruptcy and would like to get something to Frankfort soon.

Ms. Bailey said she has the resolution, and Mr. Winslow said Council could adopt the resolution as it is with authorization included to allow Mayor Hatter to make changes and send to Frankfort.

Mr. Winslow suggested a motion to adopt Florence's resolution R02-2020 subject to Mayor Hatter's changes to the resolution. A motion to approve was made by Councilman Feinauer. Councilman Abeln made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

Municipal Road Aid (MRA) Agreement for FY20/21

Mayor Hatter said these funds come in every year as part of the gas tax, with parameters set on how the funds can be used. He said the City spends a substantial amount of money each year to maintain City roads and these funds support the reconstruction and rebuilding.

Ms. Bailey said the city will be receiving \$118,568.75, which does not account for 3% withheld for the emergency road aid fund.

Mr. Winslow read the resolution adopting and approving the execution of a Municipal Aid Co-op Program Contract between the City of Fort Wright and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2020, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the City of Fort Wright.

A motion to adopt the resolution was made by Councilwoman Witt. Councilman Wessels made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

CAO REPORT

Ongoing project/issue list review/update – Ms. Bailey said Councilman Weber is ill and sends his regards. She also stated she was out for a family emergency last week, so she is catching up on items. She advised Council that she provided two weekly summaries for their review. Ms. Bailey also said there is a need for Executive Session this evening.

DEPARTMENT REPORTS

Administration/Finance – Ms. Bailey said included in the Council packet is the Treasurer report from Ms. Susan Ellis, and the South Hills Civic Club rental information is also in the packet. She said moving forward, Ms. Russell would be giving the Administration report.

Mayor Hatter reminded the public that the auditor was present at last month's meeting to present the audit findings for the last fiscal year, and that information is now available on the website. He thanked the staff that helped the auditing team, which makes it possible to keep residents' and business' money safe and maintain transparency. Mayor Hatter asked Ms. Bailey for an update on the OpenGov project. He said as a result of restructuring the budget there were changes that impacted the feed of information to OpenGov and it is not being updated. Ms. Bailey said that Ms. Ellis is in the process of going through the chart of accounts to feed the line items and they must be reprogrammed to show correctly. She said Ms. Ellis is actively working to correct the errors and hopes to have the information available to the public soon.

Police Department – Interim Police Chief/Captain Colwell said the Police Department is geared up and ready for the transition with incoming Police Chief Butler.

Legal Counsel – Mr. Winslow said there was no update.

Public Works – Public Works Director Jeff Bethell said there were a few rounds of snow this past month, but everything went smoothly. He said his team is currently working on potholes and clearing drains. They are staying on top of trash pick, and hope to begin mowing in the next few weeks.

Mr. Bethell said SD1 is going to be working on a project and a bid has been awarded for the directional board in the Fort Henry area where slippage has affected. The project is expected to be finished by the end of June.

Mr. Bethell reminded Council that the Amsterdam Road bid opening is Friday, March 6, at 11 AM. He said they are looking forward to getting that project moving. Mr. Bethell also said he is meeting with the city engineer in the next few weeks to start work on the 2020 road project.

Mayor Hatter said the good news for residents is there are a lot of road improvements throughout the city, including Amsterdam Road, Kyles Lane, and the street program. He said the bad news is the improvements are all happening at one time, and he apologized in advance for the inconveniences that will be caused. Mayor Hatter requested people have patience as we work through these projects to improve the city structurally and aesthetically. He also reminded residents that the City welcomes comments about potholes and drains and to notify the City via social media or the comment form on the website so it can be corrected as quickly as possible.

Councilman Wessels inquired on the wall and Ms. Bailey said there is no additional information to report yet, but hopes to have it on the caucus meeting agenda.

Councilman Feinauer expressed appreciation to Mr. Bethell and his team for their quick response to the recent snowstorms.

Fire/ALS Department – Fire/ALS Chief Steve Schewe gave an update on the new truck, saying it is about 90-95% outfitted with equipment, and they are more than halfway through training staff. He expects it to be in service in the next two to three weeks. The ambulance is still in the manufacturing stage.

Mayor Hatter expressed appreciation for Chief Schewe for getting the new-to-us fire truck, and said he looks forward to seeing the new ambulance.

A motion was made by Councilman Wessels to amend the agenda to allow discussion for the potential to purchase fire equipment and authorizing the Mayor and City Administrator to spend an allocated amount. Councilman Feinauer made a second. City Clerk Maura Russell called roll.

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

MOTION CARRIED

Councilman Wessels said Chief Schewe has been made aware of the potential to purchase a piece of fire equipment at an inexpensive price from another municipality, but the decision would have to be made in a limited amount of time. He would like to authorize the Mayor, City Administrator, and Fire Chief to purchase this piece of equipment, capped at \$50,000 to come out of the equipment fund for the Fire Department.

Mayor Hatter said Chief Schewe discovered this piece of equipment, but we do not know much about it yet. He said the Chief would do due diligence to ensure it is a good addition to the fleet, but it will require fast action.

Councilwoman Witt asked if the Finance Committee has reviewed this proposal. Councilman Wessels said the money is available in the equipment fund, and the department saved enough money with the fire truck purchase to allow for this addition. Mayor Hatter said the capital improvement fund has money set aside for these purposes. Also, Chief Schewe got a great deal on the new fire truck so there is ample funding to cover this purchase after due diligence is applied.

Ms. Bailey said Fire/EMS has a specific capital improvement fund that started with approximately \$685,000. The fund took in \$186,000 in cash receipts, bringing the fund to \$871,000, minus expenses including the pumper replacement, new ambulance, and various gear purchases and building maintenance. If all is expended, it would total \$689,000, leaving a balance of \$182,700. Next year the fund will receive approximately another \$186,000 to rebuild the fund. She said there is enough money to allow for a \$50,000 purchase for capital improvements if Council chooses to move forward.

Councilman Wessels said if the opportunity presents itself, we need to allow City leaders to make the purchase. He made a motion to authorize the Mayor and City Administrator to seek the purchase of this fire equipment to come out of the Fire Department capital improvement funds, capped at \$50,000. Councilman Feinauer made a second.

There was additional discussion by Councilman Abeln, stating that the purchase would likely reduce the amount in the future of capital purchases, and based on judgement he has seen in the past, he is agreeing with this motion.

City Clerk Maura Russell called the roll.

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

MOTION CARRIED

SPECIAL ANNOUNCEMENTS

Mayor Hatter announced the James A. Ramage Civil War Museum will be hosting a 200th birthday party for General Wright, the City's namesake, on Sunday, March 8 from 12 – 3 PM. He said light refreshments will be available as they talk about General Wright and his legacy.

Ms. Bailey announced that Representative Banta would be attending the May meeting to discuss the outcome of this session's legislation. She asked Councilmembers to let her know if they would like her to invite Senator McDaniel.

Ms. Bailey also shared an email she received from Mr. Tom Litzler, sent earlier during this meeting. He expressed his appreciation for Council's commitment to serve the City of Fort Wright.

Mayor Hatter thanked Mr. Litzler for the email. He said Mr. Litzler is a former Mayor and very engaged citizen. Mayor Hatter reiterated the various ways the City of Fort Wright works hard to maintain transparency for residents, including OpenGov and the audit and budget on the City's website.

Councilwoman Witt reminded residents about the 6th Annual Clean Up Fort Wright Day happening on April 18. It will start and end at the City Building and all volunteers will get a shirt and lunch. Mayor Hatter thanked Councilwoman Witt for her hard work as an organizer for this event, along with Councilman Wessels' wife, and asked people to please come out to volunteer if you are able.

Mayor Hatter said to be on the lookout for US Census workers in neighborhoods. He encouraged everyone to participate but warned that scams will come up and to be cautious. He said if someone contacts you saying they represent the Census, but you are not sure, please call 911 so the police officers can come out to verify for you. Interim Police Chief/Captain Colwell agreed and said his department is willing to come out if anyone is concerned.

EXECUTIVE SESSION

Mr. Winslow said Mayor Hatter requested a motion to amend the agenda to reflect an Executive Session to discuss under KRS 61.810 (1)(f) – discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.

A motion to amend the agenda to reflect discussion of the statute was made by Councilman Wall. Councilman Abeln made a second. City Clerk Maura Russell called the roll.

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

MOTION CARRIED

Mr. Winslow said Mayor Hatter has requested a motion under KRS 61.810 (1)(f) to go into Executive Session for discussion of KRS 61.810 (1)(f) – discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.

A motion to go into Executive Session under KRS 61.810 (1)(f) 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
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

COUNCIL COMMENTS

Councilman Wessels made a comment about the restructuring of PDF. He said he and Councilman Feinauer switched roles and they have made a new management board that will be appointed with a new structure in a few weeks. Councilman Wessels said the old management board recognized Councilman Feinauer last month for his contributions to that council. Mr. Litzler had also been on the PDS Board for a long time and Councilman Wessels wanted to publicly thank him for his contributions.

The Council Meeting was adjourned to Executive Session at 7:18 PM.

The meeting was re-opened to the public at approximately 8:19 PM.

ADJOURNMENT OF THE COUNCIL MEETING

Councilman Feinauer made a motion to adjourn the Council Meeting. Councilman Wessels made a second. All voting in favor.

The Council Meeting adjourned at 8:20 PM.

Respectfully Submitted,


Dave Hatter, Mayor

Attest:



Maura Russell
City Clerk