



**CITY OF FORT WRIGHT, KENTUCKY  
CAUCUS MEETING  
WEDNESDAY, MARCH 21, 2018**

Mayor Hatter opened the caucus meeting at 6:00 PM with a Pledge of Allegiance and a moment of silence.

The following members answered roll call: Mr. Dave Abeln, Mr. Adam Feinauer, Mr. Mike Hoerlein, Mr. Bernie Wessels, and Ms. Margie Witt.

Also present for the meeting were: City Attorney Kyle Winslow, Police Chief Marc Schworer, Fire/EMS Chief Steve Schewe, Public Works Director Jeff Bethell, and City Clerk Susan Ellis. City Engineer Mark Brueggemann arrived at 7:06 PM.

Mr. Scott Wall was unavailable for this meeting.

**CITIZEN COMMENTS**

Mr. Adam Feinauer, Sr., thanked the city for all that it has done.

**ITEMS FOR DISCUSSION**

**Discussion regarding Fort Wright Code of Ordinance Section 136.01 - Projectile Shooting Instruments**

Mayor Hatter expressed the need to alter or eliminate this ordinance. Chief Schworer stated that the Police Department has never fined anyone but that something needs to be in place that will still give them some authority. Mr. Butler provided copies of the current Fort Wright ordinance and the newly adopted Fort Mitchell ordinance. Mr. Hoerlein supported eliminating the ordinance. Mayor Hatter commented that if any injury or damage is caused there are other courses of action. Chief Schworer commented that target shooting with guns is disturbing to others and that the nuisance ordinance is hard to enforce. He compared it to the barking dog complaints. A police officer would need to hear the shooting. Doing away with the ordinance completely opens up other issues. Mayor Hatter stated the need to clearly define what is and what is not allowed. Mr. Butler expressed concern about taking the ability away from police department to address certain situations. Mayor Hatter suggested no fire arms unless for self-defense or under the discretion of Chief of Police. Mr. Winslow expressed the need for a standard for the Chief to make a decision. Mr. Butler commented that the Fort Mitchell ordinance covers much of this and only needs minor modifications. The hunting aspect was discussed. Mr. Wessels stated that in the State of Kentucky it is a constitutional right to hunt and fish by traditional methods. Kentucky Fish and Wildlife is the only organization that has the

power and ability to regulate urban hunting. If the City restricts hunting, it would be in violation. The consensus was to modify the Fort Wright ordinance to include the Fort Mitchell wording; delete their section B, and retain the Fort Wright section I. Mr. Winslow stated that he could have a draft for the next meeting.

#### **Discussion regarding KRS 100.2111 - Alternate Regulations for Zoning and Map Amendments**

Mr. Abeln reported that the alternate regulations shorten the time cycle for amendments. With this process, PDS holds a public hearing and anyone opposing has 21 days to submit a letter. This comes back to city council who can 1) do nothing and then in 90 days the amendment becomes law; 2) hold a public hearing; or 3) council can vote to override with an ordinance. Mr. Winslow commented that it eliminates administrative headaches and helps the applicants. Mr. Butler added that it cuts out ordinance process. Mr. Wessels, Mr. Abeln, and Mayor Hatter voiced their support. Mr. Butler stated that the wording in the current ordinance would need to be changed to adopt this new process. A text amendment will be drafted to submit at the May planning meeting so that the City can move forward with this change.

#### **Discussion regarding the Model Sign Ordinance**

Mr. Winslow reported that the City's sign ordinance does not comply with the new ruling in the Supreme Court and that Mr. McMurtry's recommendation is to adopt this ordinance. The planning commission recommends adopting the new ordinance. There is nothing in the new ordinance that changes anything about the size or location of signs. This will be sent back to the Community Improvement Committee to determine how to proceed with adoption.

#### **Discussion regarding Old Madison Pike Hill Slide**

Mr. Bethell presented photos of the area affected by the slide. It has been sitting at ditch line for years but now is encroaching on road. The Duke poles are moving and it is encroaching on the fire hydrant. The lower end has been like this for years. Public works has been putting black top on it but it continues to move. Cost to repair the slide was estimated to be \$300,000. Options were discussed regarding closing the road, making it one way, or purchasing the properties. The property owner sometime in the past cut into the hill right above the slide which created the issue. Mr. Bethell reported that the house is in bad shape with health department issues, foundation problems and leaking sewage. It was the consensus that the property owner owns the responsibility of the slide. Mr. Bethell has a proposal from Geotech to do testing on the upper and lower spots however mostly likely the property owner would not be able to pay for repair. If house was not there, it would not make sense to invest \$300,000 to pier. Mr. Brueggemann recommended that the City continue to clean road and do the minimum to reestablish the ditch line working within the right of way. He also recommended notifying Duke that the City will be removing the overburden on road. Mr. Bethell responded that Duke has already been notified. The other side that is falling away will continue to be patched with black top. Mr. Brueggemann also offered the suggestion to cul-de-sac the street or make it one way.

## **OTHER COMMENTS**

**Digital Sign:** Mr. Butler presented several options as to what should be put on the top of sign. Consensus was to use the logo similar as what was embroidered on the City shirts

**Website:** Mayor Hatter reported that the new website launched earlier this month. He will have analytics at the next meeting.

**Community of Faith Presbyterian Church:** Mr. Butler reported that the Church had called expressing interest in wanting to be annexed by the City of Fort Wright. An agreement would need to be reached between Fort Wright and Covington. A survey and ordinance would be required. There is also an issue with SD1. Mayor Hatter stated that he was not willing to negotiate for a swap, but that if Covington was willing to relinquish the property, he would consider annexation. Most likely there would be a deed restriction to avoid giving away developable property. The recommendation was to pursue this only if no cost would be involved.

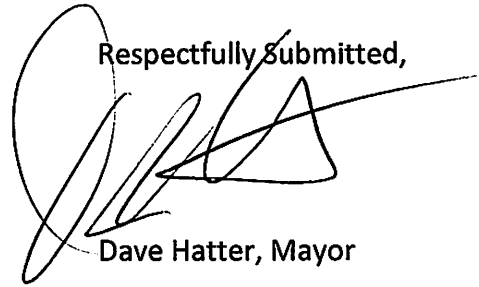
**Pension Issue:** Mayor Hatter reported that the pension issue continues and he does not think it is going to be resolved. An email was sent out this week to residents. The mayors group met on Saturday. Mayor Joe Meyer has researched the idea of not paying. The state can seize assets and will take money. If a number of cities joined together and every city refused to pay, it would create a huge political problem. Another option is to consider is filing an injunction and getting a court order as this is an arbitrary increase. Mr. Wessels asked if the non-payment would be subject to interest and penalty? Mr. Butler responded that it would be. Mayor Hatter explained that the City would pay the standard rate but not the increased amount. That amount would be escrowed. Mayor Hatter is in favor of a phase in. He will continue to provide information as he receives it.

**City Administrator Search:** Mayor Hatter reported that 10 resumes had been received so far plus several Facebook applications. The deadline is Friday, March 23, 2018. He asked if there were any legal concerns if there was not enough response by the deadline and the city wanted to continue the search. Mr. Winslow responded that the search could be extended.

Motion by Mr. Abeln, second by Mr. Hoerlein to adjourn the caucus meeting to Executive Session Pursuant to KRS 61.810, paragraph (f). Roll call vote taken, Mr. Abeln, Mr. Feinauer, Mr. Hoerlein, Mr. Wessels, and Ms. Witt voting in favor; no one opposed. Motion passed.

The caucus meeting was adjourned at 7:48 PM

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large loop on the left and a series of strokes on the right that form a stylized 'H'.

Dave Hatter, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Susan Ellis' in a cursive script.

Susan Ellis, City Clerk