



**City of Fort Wright Council Meeting Agenda
Wednesday, April 3, 2019 6:00 p.m.**

CALL TO ORDER

The meeting was called to order at 6:02 PM by Mayor Hatter. Mayor Hatter led the Pledge of Allegiance followed by a moment of silence. City Clerk Susan Ellis called the roll.

Councilman Abeln	Here
Councilman Feinauer	Here
Councilman Hoerlein	Here
Councilman Wall	Here
Councilman Wessels	Here
Councilwoman Witt	Here

Also present for the meeting were:

City Administrative Officer Jill Bailey
City Attorney Todd McMurtry
Police Chief Marc Schworer
Fire/EMS Chief Steve Schewe
Public Works Director Jeff Bethell
City Clerk Susan Ellis

CITIZEN COMMENTS/GUESTS

Legislative 2019 Update - Senator Chris McDaniel

Kentucky Senator Chris McDaniel provided the 2019 Legislative Update highlighting several important Senate Bills and House Bills. Following his update, he addressed questions from Mayor Hatter and the Council regarding the process for hiring police officers, the state pension system, raising the sales tax, and conditions of state roads.

Citizen Comments – Roger Kuchle

Mr. Roger Kuchle addressed the council in a continuation of his address from the February 6, 2019 Council Meeting. He stated that he had tried to have meeting with the Mayor but that did not work out. Mayor Hatter advised Mr. Kuchle that he had two minutes to go over anything

he felt had not been covered in February. Mr. Kuchle began reviewing his statements from February. At the end of the two minutes, Mr. Kuchle was told that his time was up and that this issue has been referred to legal counsel. Mr. McMurtry stated the he has tried to contact Mr. Kuchle's attorney, but he has not responded.

Mr. Kuchle stated that he was being denied the right to speak. Mr. McMurtry responded that by Kentucky law, he does not have right to speak indefinitely. Council has already afforded the opportunity to speak.

Mayor Hatter asked if anyone on council wanted to hear anything further on this matter. Council responded no. Ms. Bailey added that it sounded like Mr. Kuchle was reading the letter that had already been distributed. Mr. Kuchle was escorted from meeting by Fort Wright Police Officers.

Interplastic/Silmar Corporation – Ed Sulick

Fire Chief Schewe introduced Ed Sulick of the Interplastic/Silmar Corporation, provided some background on the organization and recapped the incident that occurred there over the past weekend which had caused a lot of concern to the residents living nearby.

Mr. Sulick explained their operation in more detail and that there had been a computer system failure which caused a vessel to get too hot. Water was converted to steam and the steam carried a few molecules of a material which smells very badly. It was not a dangerous situation, but it took a couple hours to resolve, and was upsetting to the neighbors. The organization has been awarded the Governor's Health and Safety award 19 years in a row. The plant is run very safely, and they are investigating the failure.

Ms. Bailey expressed her appreciation for Mr. Sulick coming to the Council Meeting and following up with the information. Chief Schewe thanked the emergency and hazmat teams that ensured the released product was at safe numbers. He stressed that no one's health was in danger. Mayor Hatter reiterated Ms. Baileys comments and stated that all involved had don an admirable job.

The notification process for situations like this was discussed. Cell phones present a challenge to the Code Red notification system. Councilman Wessels expressed the need to educate the public to register their cell phones with the system. This information will be put out through social media, Constant Contact, and the City website.

APPROVAL OF COUNCIL MINUTES

A correction was needed to the March 6, 2019 Council Meeting minutes as Councilman Hoerlein was absent for the meeting but had listed in one of the votes. Councilman Abeln made a motion to approve the minutes as amended of the March 6, 2019 Council Meeting. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

Councilwoman Witt made a motion to approve the minutes of the March 20, 2019 Special Meeting. Councilman Wessels made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

Councilman Feinauer made a motion to approve the minutes of the March 20, 2019 Caucus Meeting. Councilman Wall made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

UNFINISHED BUSINESS

Amsterdam Road Easement Update

City Administrator Jill Bailey reported that she was supposed to meet with Marty Hellman but that they had been unable to meet, so she did not have recommendations from him yet. Mr. James Calkins, on behalf of 1735 and 1739 Amsterdam Road had sent a letter regarding the loss of parking and a proposal for a remedy. The cost to build a wall and parking pad would be \$15,000. Mr. Calkins is asking the City for \$7,500 to split the costs.

Councilman Hoerlein expressed his concern about spending citizens' tax dollars on private property. Ms. Bailey responded that acquiring the easement may include the cost of putting back. Mr. McMurtry responded that if a public sidewalk is being built as part of the project, it would not be considered to be a private structure. Provided sidewalk is public, it would be public expenditure. The City cannot build a purely private structure. With an easement the property owner would be entitled to compensation.

Councilman Hoerlein asked if the cost of the easements was included in the federal funding. Ms. Bailey responded that she believed the cost of the easements is part of the City's obligation, but she would need to verify that. The budget was discussed, and Ms. Bailey reminded Council that this was a reimbursing grant, so the expenses would be paid prior to the reimbursements. Mayor Hatter commented that this was fairly reasonable amount and reasonable way to remedy the parking issue.

Councilman Abeln asked if there were any other issues with other properties. Ms. Bailey responded that all other easements have been obtained. Councilwoman Witt asked about the offer to widen the driveways. Ms. Bailey responded that they had rejected that option and were looking at other options. This is the request of property owner. Councilman Hoerlein expressed his concern that the other property owners might also seek additional remedies. Ms. Bailey responded that they all have already signed agreements and should not have opportunity to come back and do that. Mayor Hatter requested a more structured plan be developed and discussed at the next Caucus Meeting.

NEW BUSINESS

First Reading of Ordinance 02-2019 - Dissolving the Parks & Recreation Board

City Attorney Todd McMurtry read the Ordinance.

Councilman Wessels made a motion to approve the Ordinance. Councilman Hoerlein made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

First Reading of Ordinance 03-2019 – Unsolicited Advertisements

City Attorney Todd McMurtry read the Ordinance.

Councilman Wessels made a motion to approve the Ordinance. Councilwoman Witt made a second.

Discussion followed about making the homeowner responsible versus distributing the material in a more responsible way. Mayor Hatter stated that he does not want to infringe on business. It was determined that the wording regarding distribution be modifies to include "securely attached to the door or a lawful mailbox post."

Councilman Wessels made a motion to approve the modification of the Ordinance to include “securely attached to the door or a lawful mailbox post. Councilwoman Witt made a second. City Clerk Susan Ellis called the roll.

Councilman Abeln	Yes	
Councilman Feinauer	No	
Councilman Hoerlein	Yes	
Councilman Wall	Yes	
Councilman Wessels	Yes	
Councilwoman Witt	Yes	MOTION CARRIED

City Clerk Susan Ellis called the roll for the original motion to approve the Ordinance.

Councilman Abeln	Yes	
Councilman Feinauer	No	
Councilman Hoerlein	Yes	
Councilman Wall	Yes	
Councilman Wessels	Yes	
Councilwoman Witt	Yes	MOTION CARRIED

Grass Mowing Bids & Proposal Options for Services.

City Administrator Jill Cain Bailey reported that the Grass Mowing Bids were opened at 11 AM. Since that time, she and Public Works Director Jeff Bethell have been substantially crunching numbers. She shared handouts with budgetary information as well as information about the Public Works budget overall.

Public Works would be experiencing a significant cost savings in hiring the new laborer to replace the 30-year employee who had recently resigned. Ms. Bailey felt that a pay rate of \$18 per hour was competitive and she was optimistic to hire someone at that rate.

Currently the City is already spending approximately \$37,600 for grass cutting.

The bids were for a 1-year contract with the option of two 1-year extensions. Ms. Bailey stated that she had contacted multiple organizations but only received two proposals: Merkle Lawn Care for \$111,800 and Shakey’s Lawn Service for \$82,775. She further stated that the bid request had very specific instructions and that neither company submitted a completed bid package. Technically, they did not comply, and the bids have to be rejected. Ms. Bailey recommended rejecting the bids.

Rebidding the service was discussed but considering the low response and very high cost it was determined that it was not an option.

At a projected cost of \$53,500, hiring part time staff and purchasing equipment to bring the service in-house was discussed in detail. Points of discussion included:

- Holding off on the purchase of an additional truck
- Type of truck requested
- Feasibility of finding a part time seasonal worker
- Potential of hiring two part time workers versus one
- Use of inmates to perform the labor
- Utilizing personnel services

It was determined that the grass mowing would be brought inhouse with a part-time worker. In the short run, the City will continue to use Shakey's Lawn Service, spend \$23,000 to \$24,000 to purchase equipment, and hold off on the truck purchase.

Councilman Abeln made a motion to approve bringing the grass mowing inhouse. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

Councilman Abeln made a motion to reject the grass mowing bids received. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

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

MOTION CARRIED

Councilman Wessels suggested establishing new committee to support Public Works as Public Works Director, Jeff Bethell has hands full. Mayor Hatter agreed in principle but was concerned that there would not be people willing to serve. Councilman Wessels commented that he sees the work that Mr. Bethell is doing and that he is doing a phenomenal job and expressed his desire to assist him. It was determined that requests and assistance be funneled through the Community Improvement Committee that is already working with Public Works.

Councilman Abeln left the meeting at 8:12 PM.

Open Meetings, Communications & Sunshine Laws

Considering a recent issue where Cincinnati Council Members may have violated Ohio Open Meetings Laws, Mayor Hatter expressed his concerns for Fort Wright. He said that he recognizes that Kentucky has different rules and laws and he wanted to sure Council understood what the law says, and that Fort Wright is following it.

City Attorney Mr. Todd McMurtry that general rule is that the discussion of public business in a non-public forum is not permitted and is a violation of law. Scheduling a meeting does not present a problem, but a casual gathering with a quorum triggers an open meeting if a discussion or an action is taken. There is no issue if there is less than a quorum, but it is a violation to broker a public meeting through a series of non-public meetings.

Email presents some special issues. All email is discoverable. If an email is received by all, it should not be responded to with a "reply all". When sending out a group email, solicit responses with "Please respond to me directly individually." Do not engage in a discussion. Be aware that the default response on some email apps is "reply all". Never use private email.

CAO REPORT

City Administrative Officer Jill Cain Bailey reported that ambulance bids and waste collections bids will be released this Friday. A guest speaker has been scheduled for the Memorial Day Service. Heritage Bank will be sponsoring some of the employee appreciation activities. Ms. Bailey will be out of the country on vacation next week but can be reached by email even though there may be a delay.

DEPARTMENT REPORTS

Administration/Finance - City Clerk Susan Ellis reported that all delinquent tax bills have been turned over to the attorney's office for collection.

Fire/EMS Department - Fire Chief Steve Schewe thanked all emergency responders for their assistance with the situation at Interplastic Corporation. He expressed his condolences to the family of Marty Deye who passed away on Monday.

Police Department - Police Chief Marc Schworer that Ken Lovelace newest Fort Wright Police Officer starts on April 14, 2019. Officer Lovelace will be introduced at Caucus Meeting. He thanked Officers Colwell, Griffin, and Bellau for their help with the self-defense class. There will be another active shooter training at St. Agnes on April 29, 2019. The Infinity dealership will be loading cars in the vertical sign tomorrow at noon. Clean up day is Saturday, April 6, 2019 and Shred day and electronic recycling will be on Saturday, April 13, 2019. He thanked NKOL for handling the electronics disposal. Mayor Hatter commented that Officer Nichols is doing well at the academy and has ten more weeks before graduation.

Public Works - Public Works Director Jeff Bethell reported that they had been doing cleanup around city building. Heavy rain last month required additional head wall cleanup. Maintenance on the trucks has also been taking place. Mr. Bethell reported that 234 tons of salt had been used this winter and there is a 240-ton stockpile for next year. The Northern Kentucky Water District will be replacing water mains on West Henry Clay Avenue and Pieck Drive before repaving. Mayor Hatter reminded residents in Amsterdam area that traffic is going to get more difficult, so to plan accordingly. He is planning to provide an update every two weeks.

Legal Counsel - City Attorney Todd McMurtry reported that a hearing has been scheduled to address the concerns of water on the street.

Mr. McMurtry also reported that he has tried to contact Mr. Kuchle's attorney but has not had any response. He is trying to find a fair solution for everyone involved. Mayor Hatter commented that the Kuchle Lawsuit is with state of Kentucky for the project at Kyles Lane and Dixie Hwy. Mr. McMurtry emphasized that the City has zero involvement and that it is a highway project. He stated that it is in the City's interest to build the highway. A substantial part of the issue involves a temporary taking but that there is a small sliver of that would be a permanent taking of property. He said that he should have said it was mix of temporary and permanent taking of property. To his recollection, he said that Mr. Kuchle has never come in to ask the City to help him. The City has no involvement in the lawsuit other than to check in on it. Mayor Hatter stated that he had misspoken saying it was all temporary and that he has apologized. He continued saying that he would like to get to place where there can be reasonable discussion to determine if there something that can be done so that this project can continue. The project will improve intersection and if there is a way for the City to help Mr. Kuchle work with the state, the City is very much open to that.

Councilman Wessels confirmed that the text and map amendments involving Roger Schroder's property as well as the shed text amendment have been filed and are on the May agenda for Kenton County Planning Commission. The text amendment regarding hotels has not been filed as additional discussion is needed.

COUNCIL COMMENTS

Councilwoman Margie Witt – Cleanup Day is this Saturday. Please share on social media.

Councilman Adam Feinauer – Happy Easter

Councilman Mike Hoerlein – Happy Easter and remember Cleanup Day is Saturday

Councilman Scott Wall – No report

Councilman Bernie Wessels – No report

SPECIAL ANNOUNCEMENTS

Employee Recognitions/Special Thank Yous

Recognitions and thank yous for March will be read at the May Council Meeting.

ADJOURNMENT OF THE COUNCIL MEETING

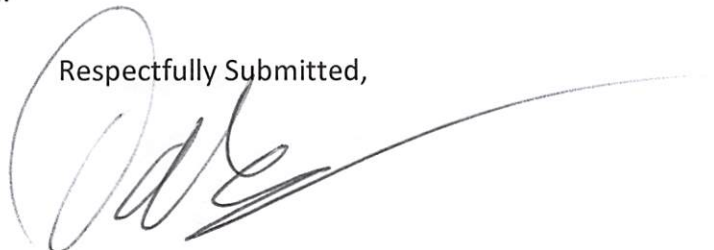
Councilwoman Witt made a motion to adjourn the Council Meeting. Councilman Wall made a second. City Clerk Susan Ellis called the roll.

Councilman Feinauer	Yes
Councilman Hoerlein	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

The Council Meeting was adjourned at 9:01 PM.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, likely belonging to Dave Hatter, Mayor.

Dave Hatter, Mayor

Attest:

A handwritten signature in blue ink, likely belonging to Susan Ellis, City Clerk.

Susan Ellis, City Clerk