



City of Fort Wright

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City of Fort Wright Council Meeting Wednesday, April 7, 2021 – 6:00 PM

CALL TO ORDER

The Council Meeting was called to order at 6:03 PM by Councilman Adam Feinauer. Councilman Feinauer led the Pledge of Allegiance and a moment of silence. City Clerk Maura Russell called the roll.

Councilman Abeln	Present
Councilman Feinauer	Present
Councilman Wall	Present
Councilman Weber	Present
Councilman Wessels	Present
Councilwoman Witt	Present

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 Clerk Maura Russell
Treasurer/Senior Deputy Clerk Susan Ellis

Councilman Feinauer said Mayor Dave Hatter will not be able to attend this evening's Meeting. Councilman Abeln made a motion to appoint Councilman Feinauer as Interim Mayor for this Meeting. Councilman Wessels made a second. Ms. Russell called the roll.

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

MOTION CARRIED

A motion was made by Councilman Abeln to amend the agenda to include discussion about the City's Industrial Building Revenue bonds and a commercial truck Ordinance. Councilman Wall made a second. Ms. Russell called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes

Councilman Weber Yes
Councilman Wessels Yes
Councilwoman Witt Yes

MOTION CARRIED

CITIZEN COMMENTS/GUESTS

Williams Creek Project – Dan Greene, President DMG – Ms. Bailey announced that this presentation will be moved to the May 5, 2021, Council Meeting.

There were no citizen comments or guests.

APPROVAL OF COUNCIL MINUTES

Councilman Weber made a motion to approve the minutes of the Public Hearing held on Wednesday, March 3, 2021. Councilman Wessels made a second. Ms. Russell called roll.

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

MOTION CARRIED

Councilwoman Witt made a motion to approve the minutes of the City Council Meeting held on Wednesday, March 3, 2021. Councilman Wessels made a second. Ms. Russell called roll.

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

MOTION CARRIED

Councilman Abeln made a motion to approve the minutes of the City Caucus Meeting held on Wednesday, March 17, 2021. Councilman Weber made a second. Ms. Russell called roll.

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

MOTION CARRIED

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Industrial Building Revenue Bonds, Series 2008 (Wright's Summit Building #2 Project) – Councilman Wessels withdrew from the discussion due to conflict of interest.

Ms. Bailey introduced Mr. Robert Winter, Special Counsel for the City of Fort Wright for this matter. Mr. Winter said he was appointed the designated special attorney for the City for enacting and pursuing supplemental indenture on bonds initially issued in 2008 regarding Wright's Summit on Dixie Highway. He said the principal motive for the supplemental indenture is to decrease the interest rate that Wessels Company must pay. Mr. Winter said the documents have been submitted to Ms. Bailey for signing by Mayor Hatter and Richard Spoor, attorney for the Wessels Company, and the closing will occur tomorrow at Republic Bank. He said that KRS [Kentucky Revised Statute] 103 allows this to occur. He said there are no obligations of the City, as the City of Fort Wright is just the issuer of the bonds.

Councilman Feinauer requested confirmation that the City is just a pass-through entity and that this refinancing is to secure a lower interest rate. Mr. Winter confirmed both points. Mr. Winter said there is no required action to be taken by Council for this matter. Council determined they would take action to authorize Mayor Hatter to sign the Industrial Building Revenue Bonds.

Councilman Abeln made a motion to authorize Mayor Hatter to sign the Industrial Building Revenue bonds. Councilman Weber made a second. Ms. Russell called the roll.

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

MOTION CARRIED

[Councilman Wessels rejoined the meeting.]

1st Reading Ord 02-2021 – Reducing Occ. License Tax Rate on Employees – Councilman Wessels said this was discussed at the last meeting and he commended Mayor Hatter for his research and work on this matter. He referenced the Mayor's spreadsheet [displayed on the monitors in Council Chambers], saying payroll tax collection has increased 30% since the 2016 fiscal year, at a rate of about 6.8% each year. He said using this scenario and anticipated growth, the Mayor proposed moving the payroll tax rate from 1.15% to 0.95%. He said this would result in approximately \$6,000 in lost revenue, but the Finance Committee believes this can be absorbed in the budget. Ms. Bailey confirmed that, saying the budgeted surplus can absorb these missing funds.

Councilman Wessels said the intent of the Finance Committee and Council is to review the insurance premium tax in the next year to continue to honor the commitment previous Councilmembers made to the residents of Fort Wright when certain measures were implemented to raise money for street programs. He also said moving to 0.95% puts Fort Wright among the lowest, if not the lowest, payroll

tax rates in Kenton County, which is good for business and good for recruitment. Councilman Wessels said the recommendation from the Finance Committee is to adopt this Ordinance.

Ms. Bailey said she has had conversations with Kenton County regarding the implementation of this tax rate and officials there expressed concern with the timing, as these changes are typically enacted in January instead of mid-year. She said Kenton County will have to issue some refunds to those who overpaid because of the rate change but they are willing to accommodate the City's request if the Ordinance moves forward.

Mr. Theissen added that the federal government has issued stimulus funding and none of that money can be the basis for a tax decrease. He said the basis for Council lowering the payroll tax rate goes back to long-before the stimulus funding was announced and the justification is not stimulus-oriented. He said he does not see this tax decrease being viewed as initiated or because of the stimulus funding and requested it be reflected in the Minutes of this Meeting the comments regarding this discussion that the decrease has been in discussion for a while.

Councilman Feinauer and Ms. Bailey both confirmed that even without stimulus funding the City will have a budgeted surplus. Ms. Bailey added that the City will still have a budget surplus that does not take into consideration either stimulus package – the CARES [Coronavirus Aid, Relief, and Economic Security] Act or the American Rescue Plan Act of 2021. Councilman Wessels said the budget does not reflect the funding from either stimulus package. Ms. Bailey said a budget amendment will be made to acknowledge the stimulus funding, but it will have no bearing on this Ordinance decision.

Councilman Abeln reiterated the history behind the lowering of the payroll tax, saying when Joe Neinaber, Jr., was Mayor, the City added a car sticker tax, increased the payroll tax, and added an insurance premium tax to fix roads and pay off debt. He said these measures were done with the promise that they would be repealed at a later date. Councilman Abeln said the car sticker tax has already been removed and this is another piece of that promise. Councilman Wessels added that the intent was to generate approximately \$125,000 from each tax to fund road repairs, which would be combined with Municipal Road Aid provided by the state. He said the commitment and hard work of Council has led to this and that the money the City has in the bank belongs to the residents of Fort Wright.

Mr. Theissen read Ordinance 02-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending the Ordinance codified as Section 110.26 of the Fort Wright Code of Ordinances, relating to the City's occupational license tax on employees, reducing the rate effective for the period beginning July 1, 2021.

Councilwoman Witt thanked the Finance Committee for their hard work and thanked those who have served on Council for a long time for keeping their promises to residents.

COMMITTEE REPORTS

[Due to Councilman Wessels schedule, the Finance Committee report immediately followed discussion of Ordinance 02-2021.]

Finance Committee - Chair Councilman Wessels said the Committee met this afternoon to discuss Ordinance 02-2021 and what Council would like to do with the stimulus money the City is expected to receive. He said Mayor Hatter has suggested using it on City streets and he and Ms. Bailey discussed reaching out to OKI [Ohio-Kentucky-Indiana Regional Council of Governments] to see if there is another match available for a road project, like Amsterdam Road. He also suggested reaching out to Senator Chris McDaniel to see how much money the state of Kentucky is receiving and if there are any plans to work on Kyles Lane. Ms. Bailey said she will reach out to Senator McDaniel's office to invite him to an upcoming meeting, and she will also invite Representative Kim Banta.

Councilman Feinauer confirmed that this is something Councilman Wessels would like to discuss at the upcoming Caucus Meeting. Councilman Wessels asked Councilmembers to bring any ideas forward. Councilwoman Witt said anything that Council can do to improve property values in the City is an immediate benefit to everyone, and she thinks doing road improvements is a great start.

Ms. Bailey said she has also discussed this with Mr. Bethell, and he plans to meet with Marty Hellmann [Project Manager for CT Consultants] to update the five-year road plan. She said there has been some deterioration to City streets from the winter weather and they want to be sure the right roads are addressed. She also said that Council will need to begin discussion soon for next year's road projects that will be bid in January.

Executive Order 03-2021 – Approving Ramage Museum Board Members – Ms. Bailey said there had been several resignations from the James A. Ramage Civil War Museum Board and current Board President Bernie O'Bryan recruited new members. She said two were already approved at a prior meeting and there are two more to approve today. She said those up for approval are Dean Russell and Randall Burnett and they have come to Council with the full approval of the current Museum Board members. Ms. Bailey said she did provide their applications for review by Council in their packets.

Councilman Feinauer said this brings their Board to nine members. Ms. Bailey confirmed, saying the Museum bylaws allow for up to 12 members but Mr. O'Bryan does not wish to add more at this time.

Councilman Weber made a motion to approve Executive Order 03-2021, appointed two new members to the James A. Ramage Civil War Museum Board. Councilman Wall made a second. Ms. Russell called the roll.

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

MOTION CARRIED

Commercial Truck Ban on East Henry Clay Avenue – Ms. Bailey said this issue was brought up on Monday when she and Chief Butler were notified that there were several Police Department calls made over the weekend regarding heavy traffic on East Henry Clay Avenue, with tractor trailers using it as a

bypass from Interstate 71/75 to Covington. She said there are concerns about safety, but also the very heavy trucks can cause deterioration to City streets. Ms. Bailey said there is a sign for West Henry Clay Avenue advising "No Truck Traffic", but it is not enforceable by Ordinance. She said this Ordinance will prohibit vehicles with a gross weight of 36,000 lbs. or more from using East or West Henry Clay as through-streets, unless providing goods or services to any residents on those or adjacent streets. Ms. Bailey said the Ordinance will allow the Fort Wright Police Department to stop those vehicles and require that they turn around. She said this Ordinance was developed rapidly to address the numerous complaints from residents.

Police Chief Butler said that East Henry Clay Avenue is often a traffic concern because it is a connector street between Kyles Lane and Highland Avenue. He said the Department receives complaints regarding speeding with requests to increase monitoring. He said the traffic has increased because of the construction on the Brent Spence Bridge and out-of-town drivers are using GPS applications like Google Maps and Waze to avoid getting stuck in traffic. Chief Butler continued, saying there is not much the Police Department can do regarding increased traffic, especially as the weather warms up and people are returning to work from the pandemic, but the concern is with the larger commercial trucks. He said the Department wants legal authority to divert those trucks and legally they cannot do that without this ordinance. He said the goal is not to write tickets, just the authority to stop and divert trucks before they cause property damage and to preserve safety.

Councilman Feinauer asked if the GPS applications can be updated to prevent East Henry Clay Avenue from showing as an alternate route. Ms. Bailey said she would reach out to a contact she has at Waze to request it not be identified as a thoroughfare. Chief Butler also added that this will enable the Police Department to be proactive to catch those attempting to turn. He said if the trucks make the turn, it will be tough to get them out, but the Department will figure it out.

Councilwoman Witt asked if there was an option to ask the Kentucky Transportation Cabinet to divert truck traffic from Interstate 71/75 North to Interstate 275 to eliminate the source of the problem. She said this was done when the Brent Spence Bridge was shut down in the fall because of the fire. She also suggested if the City of Fort Wright is having these traffic issues, then other cities may also be experiencing them as well. Chief Butler said he can request for additional signage to divert traffic to I-275.

Ms. Bailey added that all the state roads are categorized and classified for trucks, with permissions based on weight limit through the state traffic code. Chief Butler said the diversion in the fall because of the fire was done by emergency legislation, which was not an easy task. She said the Ordinance will not apply to any state roads, only East Henry Clay. She mentioned the Rumpke garbage and recycling trucks will continue to be allowed on the street because they are providing a service to the residents.

Councilwoman Witt said she understands there may not be the possibility of a truck ban on I-71/75 but would prefer that the trucks are routed onto I-275. Chief Butler said he will request additional signage to encourage diversion, but he said from his observation I-275 has become much more congested. He noted that just before this meeting, I-275 had seven or eight accidents and disabled vehicles at 5:15 PM.

Ms. Bailey added that the Ordinance will not apply to any state roads, only East Henry Clay Avenue. She mentioned the Rumpke garbage and recycling trucks will continue to be allowed on the street because they are providing a service to the residents.

Councilman Feinauer suggested doing the first reading of the Ordinance and then discussing it again in the upcoming Caucus Meeting to see if there is anything that should be added or changed. Ms. Bailey said Mr. Theissen has tentatively reviewed the Ordinance but there may be some formatting issues to adjust.

Mr. Theissen completed the first reading of Ordinance 03-2021, read in full because there may be a criminal penalty involved, an Ordinance of the City of Fort Wright in Kenton County Kentucky, prohibiting the operation of commercial trucks on East Henry Clay and West Henry Clay in the City of Fort Wright, and providing penalties for the violation thereof.

COMMITTEE REPORTS

Finance Committee - Councilman Wessels requested to add some additional comments. He said they have been working with Redtree Investment Group and Ms. Ellis will begin making that information part of her report to Council. Ms. Bailey confirmed the money has been transferred to US Bank and is currently held in a money market treasury account while Redtree builds the portfolio. She said they have bought some investments, including US Government Agency bonds, commercial paper securities, and Northern Kentucky University municipal bonds, and they will provide a full update soon. She added that interest rates are currently at 0.4%, 0.2%, and 0.89%, all maturing in 2024. She also reminded Council it will take time to build out the portfolio and interest rates are low right now.

[Councilman Wessels left the meeting at 6:50 PM.]

CAO REPORT

Ms. Bailey said she provided a written report to Council but wanted to add that the Hoxworth Blood Drive on Friday, April 9th is full, but they may be able to accommodate walk-in traffic. She said Chief Butler is working on selling the surplus police cruiser and the City should receive \$4,400 for that vehicle. She added that she has been working with Mr. Bethell and Mr. Theissen on updating several City Ordinances, including those addressing nuisances, rights-of-way restoration, changes to meeting schedules, and changes to traffic code. She said they are each large and requiring extensive research, and she hopes to have them available at the next Caucus Meeting for discussion and will bring them forward as they are ready.

Ms. Bailey said department budgets are due to her April 15th and asked Council to let her know their preferences on information or documents to be included, any questions or concerns they have, and if they prefer a hard copy or electronic version.

Ms. Bailey thanked the Police and Fire departments and volunteers who helped with the Easter Bunny motorcade on March 27th. She said the City has received a lot of nice compliments. Ms. Bailey reminded Council that she will be on vacation from April 12–16. She also mentioned several City events coming up, including the Mike's Car Wash Groundbreaking Ceremony on Friday, April 11th, the James A. Ramage Civil War Museum Park Clean Up Day on Saturday, April 12th, Fort Wright Clean Up Day on Saturday, April 24th, Fort Wright Garden Club Plant Swap and Sale on May 7th and 8th, Community Yard Sale on May 21st and 22nd, and annual Memorial Day event on Monday, May 31st.

Councilman Weber asked about the food truck event and Ms. Bailey said the schedule is complete and a food truck will be at the Fort Wright City Administration Building on Tuesdays from 5-8 PM beginning Tuesday, May 25. Ms. Bailey said she is working to coordinate some entertainment for these Tuesdays, including a dulcimer performance and a Christmas in July event, complete with a special mailbox for letters to Santa Claus. She asked Council to send over any suggestions they have for other entertainment options. Ms. Russell said the first food truck vendor will be Texas Joe on May 25th.

DEPARTMENT REPORTS

Administration/Finance – Ms. Russell had nothing additional to add.

Ms. Ellis said she provided many documents to Council for review and presented some information via the displays in Council Chambers. She reported that as of March 29th there were 24 outstanding tax bills, with two more paid since then, some of which are long-time delinquent properties or have deceased property owners. Ms. Bailey added that she and Ms. Ellis met with Mr. Theissen recently to resolve some of those delinquent tax issues. Ms. Ellis said that almost \$2 million was billed for real property tax and approximately \$10,900 is outstanding. Councilman Feinauer said that he appreciated residents and business owners paying.

Ms. Ellis reported that tangible property tax billed was \$120,000 and \$1,300 is outstanding. She said that the public service certification taxes collected so far is \$62,000, with three more to be billed, and the bank deposit taxes were billed at \$52,000 and all have been collected. She also reported on the insurance premium taxes, saying the City has collected over \$613,000 for the last three quarters.

Fire/ALS Department – Chief Schewe reported that the former ambulance 764 has been sold to Woodford County. He said their department recently had two ambulances go down and the wait to get a new one is very long, so they were appreciative for the vehicle.

Legal Counsel – Mr. Theissen said he has communicated with the legal counsel for TBNK [Telecommunications Board of Northern Kentucky] and he will report on that at the next Caucus Meeting. Ms. Bailey added that she spoke with Tom Litzler [City-appointed representative to TBNK] and he would like to come to an upcoming meeting to discuss that situation as well.

Police Department – Chief Butler reported one additional comment to the previous discussion about East Henry Clay Avenue and the increased traffic, which is concerns of speeding by non-commercial vehicles. He said the Department is working to increase their presence in the area and one of the Department's speed signs has been moved into position on that street. He reminded residents and visitors that East Henry Clay Avenue is a residential area, and the Police Department is watching to deter inappropriate behavior and keep people safe.

Chief Butler added that Officer Matt Betustak is progressing well through his field training, is a great addition to the Department, and will soon rotate to night shift for training there. He said Officer Betustak is scheduled to attend the Police Academy in July, but he is hopeful that may get moved up.

Councilman Weber asked Chief Butler about the speed signs that flash “Thank You” if the driver is going the speed limit, and how much they cost. Chief Butler said they are usually a couple thousand dollars, and he will look into it and review purchasing during budget discussions. He said Sergeant Robert Griffin runs that program and gets the sign moved to where there are concerns or complaints.

Public Works – Mr. Bethell said his Department is currently working on sidewalk replacement, a program started a couple years ago, and mowing season has started. He also said a pre-construction meeting is scheduled for April 19th to discuss the 2021 street project, and a meeting is scheduled for April 13th with engineers and contractors regarding Amsterdam Road. He said he hopes that work will resume there on April 19th and he will pass along more information as he gets it.

Mr. Bethell reported he has been working with Mr. Hellmann on reevaluating the five-year street program and they have identified at least one street that should be moved up in the schedule. He said he spoke with Councilman Wessels earlier in the day about the prices of blacktop and concrete, saying at one time concrete was cheaper to use but that may have changed, which could be a potential cost savings.

Mr. Bethell said that the cabin chassis for the new salt truck arrived at Fyda Freightliner in Richwood and will be headed to Kaffenberger Truck Equipment Company to have the body built. He said this is good news as the trucks took a beating in February with the snow.

Ms. Bailey added that there is still an advertisement out for the part-time Public Works Laborer position. She said there is concern because without part-time help or the Kenton County Detention Center work release program, keeping up with grass cutting and other projects may lead to potential overtime.

Councilman Weber asked about the schedule for the pier wall on Fort Henry Drive. Mr. Bethell said that will begin after July so that the two intersections can be opened first.

SPECIAL ANNOUNCEMENTS

Employee Recognitions/Special Thank You's – Councilman Feinauer read part of a letter from Robert Contee III, Chief of Police of the Washington DC Metropolitan Police Department, expressing appreciation to the City for sending four Police Officers to support the Presidential Inauguration. Chief Butler expressed appreciation to Council for the support to send the Officers to attend the once-in-a-lifetime opportunity.

COUNCIL COMMENTS

Councilwoman Witt – She thanked the City for the assistance with planning the City Clean Up Day on April 24th. She asked volunteers to be at the City Administration Building at 8:30 AM to pick up garbage bags and free t-shirts while supplies last. She said once the event wraps there will be free lunch back at

the City Administration Building, provided by Sub Station II. Councilwoman Witt said there will be different routes this year, and she appreciates everyone who comes out to support the City.

Councilwoman Witt also discussed the Garden Club Swap and Sale, planned for May 7th and 8th. She said gardeners can bring perennials from their gardens on Friday, May 7th to the City Administration Building and a value will be placed on their plants. She said they will then receive "dirty bucks" to spend at the sale on Saturday, May 8th. Councilwoman Witt said those without perennials to share can come on Saturday to purchase plants, with the funds used to beautify the grounds of the City Administration Building. She said the Garden Club usually purchases annuals and does work in the various garden beds and donates a tree that fits in the plan of trees on City property.

Councilman Feinauer – He wished everyone a Happy Easter. He also thanked Mr. Roger Schroeder for attending the City Council Meetings.

EXECUTIVE SESSION

There was no need for an Executive Session.

ADJOURNMENT OF THE COUNCIL MEETING

Councilman Abeln made a motion to adjourn the Council Meeting. Councilman Wall made a second. Ms. Russell called the roll.

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

MOTION CARRIED

The Council Meeting adjourned at 7:12 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell
City Clerk