



City of Fort Wright

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City of Fort Wright Council Meeting Wednesday, August 7, 2024 – 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.

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

Also present for the meeting were:

City Administrator Jill Bailey
Fire/EMS Chief Steve Schewe
Police Captain Robert Griffin
Public Works Director Jeff Bethell
City Clerk Maura Russell
City Attorney Brook Brooking

CITIZEN COMMENTS/GUESTS

Mayor Hatter introduced the following new City employees:

- Police Officer Nick Metzger – Officer Metzger introduced his wife and four boys and stated he started in July after four years at Lakeside Park Crestview Hills Police Department.
- Police Officer Tyler Wallace – Officer Wallace said he has been in law enforcement for 11 years in Eastern Kentucky. He said he will be a father soon.
- City Clerk Kerrie Holland – Ms. Holland said she previously worked for the Kenton County Circuit Court and lives in Edgewood. She said she has three children and recently became a grandmother.
- Finance Clerk Nyoka Johnson – Ms. Johnson recently worked for the City of Erlanger for six years as an Administrative Clerk and was in cosmetology before that. She said she has one daughter and one granddaughter.
- Public Works Laborer LaMarr Burton – Mr. Burton previously worked for nine years for Fort Mitchell and two years with Crescent Springs.

Mayor Hatter said the City also recently promoted part-time Firefighter/Paramedic Zach Elkins to full-time status, but he was unable to attend this evening's meeting. Council members and the Mayor welcomed each of the newly hired staff members and thanked them for joining the team.

APPROVAL OF COUNCIL MINUTES

Councilwoman Witt made a motion to approve the minutes of the Council Meeting held on Wednesday, June 5, 2024. Councilman Weber made a second. Ms. Russell called the roll.

Councilwoman Witt	Yes
Councilman Weber	Yes
Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes
Councilman Wessels	Abstain

MOTION CARRIED

Ms. Bailey advised that the minutes for the June 19th Special Council and Caucus meetings were not complete and they will be provided prior to the next meeting for review.

Councilman Collins made a motion to approve the minutes of the Special Council Meeting held on Wednesday, July 17, 2024. Councilman Abeln made a second. Ms. Russell called the roll.

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

MOTION CARRIED

UNFINISHED BUSINESS

First Reading of Ordinance 08-2024 – Adopting Z21 – Ms. Bailey introduced Cody Sheets, Associate Planner, and Andy Videkovich, Planning Manager, of PDS, saying they have been assisting the City with revision to the zoning code. She said PDS has provided updates to the zoning code to modernize it across multiple jurisdictions in Kenton County, and the work could reduce the number of zones in Fort Wright from the current 33 to 21. Ms. Bailey said there are ongoing matters that may require additional review, including shipping containers and tiny homes, but it is being brought before Council for a vote now because of the medical cannabis issues and the need to make some small adjustments to the code.

Mayor Hatter advised the previous zoning ordinance was passed in 1983, so a lot has changed in Fort Wright, the region, the state, and the country since then. He told Mr. Sheets and Mr. Videkovich that he appreciated their help in reducing zones to make it easier to get things done quickly with a product that will be flexible and easier to understand. He added that this will not be the same zoning code as every other city in the county but will have commonality. Mr. Videkovich confirmed this, saying the goal was to maintain each city's identity and character.

Councilman Wessels expressed concern about the medical cannabis text in this zoning update, saying he would like to see the facilities housing any part of the medical cannabis operations in standalone buildings. He said he has toured other facilities, and he feels strongly that the odors he experienced are more than enough for the basis for this decision.

There was discussion on the benefits and challenges to including the standalone building requirement in the zoning code. Mr. Brooking added that, legally, City Council can impose this kind of restriction but if challenged, there must be empirical evidence that stands up to potential court challenges. Ms. Bailey added that the staff recommendation from PDS, along with the recommendation of herself and City Attorney Brooking, is to not

include the standalone requirement in the code, but that Council can choose to go against the recommendation if they choose.

Mr. Brooking completed the first reading of Ordinance 08-2024, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, repealing the official Zoning Ordinance of the City of Fort Wright, Kentucky, Ordinance 290-1983, and all amendments thereto, as well as all ordinances, regulations, codes and/or orders in conflict herewith, and adopting and approving pursuant to K.R.S. Chapter 1-- a new zoning code and zoning map as the official zoning code and zoning map of the City of Fort Wright, Kentucky.

Councilman Wessels made a motion to approve the first reading of Ordinance 08-2024 as read by the city attorney with the exception that the medical cannabis zone will have language added to indicate only standalone facilities will be allowed for such businesses, with the basis that experiences have already occurred in the City with regard to similar products with noxious odors so they do not disturb adjoining tenants.

Councilman Weber made a second. Ms. Russell called the roll.

Councilman Wessels	Yes
Councilman Weber	Yes
Councilman Abeln	Yes
Councilman Collins	No
Councilman Wall	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Resolution 10-2024 – re: Towne Properties IRB Project – Mayor Hatter said Towne Properties approached the City to request assistance with an additional development project at their site at Wright’s Point Apartments and are requesting industrial revenue bonds to fund the development.

Mr. Donnie Warner, Partner at Frost Brown Todd, was introduced as the City’s bond counsel. He said this is the first step in issuing an IRB by approving an inducement order, which means that the City agrees to pass a formal bond order in six to eight months if certain conditions are met. He said there is a memorandum of understanding that outlines contingencies and a PILOT [payment in lieu of taxes] agreement. Mr. Warner said the PILOT agreement indicates the developer agrees to pay 100% of the taxes that would have been due, and they will negotiate PILOT agreements with the other government agencies involved. He said an IRB allows the City to take title of the land and lease it back to the developer, so the PILOT agreement allows for taxing.

Mr. Warner confirmed the IRB is a conduit bond, not a general obligation bond, meaning the City has no responsibility to pay back any funds and the full fiscal obligation remains with the developer. He confirmed this would be a 30-year IRB and is nonrenewable, but if the developer wished to renew the process would be renegotiated. He also confirmed that any potential sale of the property would place the purchaser under the same conditions.

Mr. Scott Arentsen, CFO of Towne Properties, addressed Council, saying the expansion project at Wright’s Point has an anticipated value of \$16 million and should take about 14 months to complete once construction begins in Winter 2024 or Spring 2025.

Resident Jason Worms asked Mayor Hatter for clarification on why this IRB request was more in line with the spirit of an IRB. Mayor Hatter said the main thing that changed his mind in considering the request was Towne Properties’ willingness to pay all the taxes, as previous deals had major reductions in the taxes owed to the City. Councilman Abeln added that the project being closer to the urban core also helped.

Mr. Brooking read Resolution 10-2024 a Resolution of the City Council of the City of Fort Wright, Kentucky (the “City”), authorizing the execution of a memorandum of agreement between the City and Wright’s Point II, LLC

(the “Company”) relating to the acquisition, construction, equipping and installation of a multi-family residential rental development project to be located in a designated downtown business district of the City (the “Project”); agreeing to undertake the issuance and sale of industrial building revenue bonds at the appropriate time and subject to the conditions precedent set forth in the memorandum of agreement to pay the costs of acquiring, constructing, equipping and installing said project and facilities; and taking other preliminary action.

Councilman Wessels made a motion to approve Resolution 10-2024. Councilman Collins made a second. Ms. Russell called the roll.

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

MOTION CARRIED

NEW BUSINESS

First Reading of Ordinance 09-2024 – Adoption of 2024 Ethics Policy – Mayor Hatter reminded Council that the City worked with Kentucky League of Cities many years ago to become a Certified City of Ethics. He said approximately 40 out of over 400 Kentucky cities participate, and it is time for Fort Wright to go through the recertification process. He said the model ordinance provided by KLC has been tweaked slightly for the specific needs of the City.

Ms. Bailey said one of the changes from the model ordinance is regarding financial statements filed annually, as that is already handled by NKADD on behalf of the City. Mayor Hatter added that this will improve upon what the City previously had in place, and it presents the best transparency and honesty for residents. He admitted some items are redundant to Kentucky laws already in place, like campaign finance for example.

Mr. Brooking completed a first reading of Ordinance 09-2024, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing a Code of Ethical Conduct applicable to the officers and employees of the City and City agencies.

Councilman Wall made a motion to approve the first reading of Ordinance 09-2024. Councilwoman Witt made a second. Ms. Russell called the roll.

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

MOTION CARRIED

First Reading of Ordinance 10-2024 – re Duke Energy Franchise Bid Award – Ms. Bailey advised the City has been working on the franchise agreements to ensure all businesses doing work in the City rights-of-way are properly compensating the City. She said the process for this bid award began with the Public Service Commission requiring that the bid be advertised. Ms. Bailey said it was not unexpected that Duke Energy was the only bid received, as they are the only provider in the City’s market. She said this Ordinance before Council now will allow the Mayor to execute the franchise agreement with Duke Energy so the City can begin collecting franchise fees.

Mayor Hatter added that this process is important because it will generate significant revenue for the City and it evens the playing field with the other franchise agreements already in place with Verizon, Cincinnati Bell, and Spectrum.

Mr. Brooking completed a first reading of Ordinance 10-2024, an Ordinance of the City of Fort Wright in Kenton County, Kentucky accepting the bid of Duke Energy Kentucky, Inc. for a twenty-year non-exclusive franchise for the use of the public streets, alleys and other public grounds of the City for the transmission and distribution of both natural gas and electricity through and for consumption within the City.

Councilman Weber made a motion to approve the first reading of Ordinance 10-2024. Councilman Collins made a second. Ms. Russell called the roll.

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

MOTION CARRIED

Municipal Order 06-2024 – Disposal of Surplus Property – Ms. Bailey advised this Municipal Order for disposal of surplus property contains the old Public Works dump truck and associated salt spreader, and a picnic table.

Councilman Abeln made a motion to approve Municipal Order 06-2024, an order declaring surplus property and authorizing disposal of such property by destruction and/or recycling. Councilman Wall made a second. Ms. Russell called the roll.

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

MOTION CARRIED

Williams Creek Stop Sign Request – Mr. Bethell said the Williams Creek Homeowners Association president contacted the City regarding the lack of stop signs in their residential area now that the new apartment development is mostly complete. He said Chief Colwell agreed that the downhill intersection at Alex Court could be implemented, but he did not observe enough traffic at the Dorisway Drive intersection to give an opinion on a stop sign there at this time. Mr. Bethell added that the HOA is also requesting a speed limit adjustment down to 20 MPH.

After discussion, it was agreed that the process for adding two stop signs would begin, including drafting an updated stop sign ordinance.

COMMITTEE REPORTS

Finance Committee – Councilman Weber – Councilman Weber said there are short-term CDs coming due for about \$223,000 which will need to be reallocated. He recommended checking in with RedTree and Republic Bank on the status of some accounts because of the interest rates coming down. He also said the Committee is exploring options on what to do with the businesses that currently owe delinquent tangible taxes.

Mayor Hatter thanked the Finance Committee for their work in generating more revenue for the City as safely as possible.

Community Improvement Committee – Councilwoman Witt – Councilwoman Witt said the Committee will be meeting on August 21st to discuss language for the control of shipping container usage in the City.

Mayor Hatter added an update on the Fort Wright Civic Club, saying it has been a voter polling location in the past, but the Kenton County Board of Elections has notified the City that it will not be used this year because of the ADA issues that need to be addressed.

CAO REPORT

Ms. Bailey reminded residents that the first day of school for Kenton County is Wednesday, August 14th, and private schools begin next week also, so the Police Department will be working on additional staffing for traffic calls.

Ms. Bailey advised Council that the new tax rate will need to be considered and the plan is to have the tax rate hearing on August 21st prior to the Caucus Meeting.

[Councilman Wessels left the meeting at 7:52 PM.]

Mayor Hatter said the recent property value reassessment caused values in the City to go up dramatically. He warned residents that there may be a substantial increase on their tax bills despite the City lowering the property tax rate.

Mayor Hatter thanked Ms. Bailey for her hard work in managing the recent staff turnover. He said in the past six months the City has onboarded a new Police Chief, City Clerk, and Finance Clerk, along with various other roles.

DEPARTMENT REPORTS

Administration – Ms. Russell advised she has begun training the new City Clerk and Finance Clerk. She also provided a property tax update, saying the total delinquent amount owed is around \$14,500 between nine real and six tangible tax bills.

Fire/ALS Department – Chief Schewe said the Fire Department will begin working with the Cincinnati Recycling and Reuse Hub to properly dispose of lithium batteries. He said the organization received a grant and Fort Wright will be the first agency in Northern Kentucky to participate once training is complete.

Mayor Hatter reminded residents that the City currently offers a prescription drug disposal box and a safe internet shopping zone that is under 24-hour surveillance. Chief Schewe added that there is now a retired flag box in the lobby, and the City is planning an event with the Boy Scouts around Veterans Day to dispose of the flags received.

Chief Schewe said the department has received the fire blanket previously purchased to combat lithium fires in vehicles. He said they also received the immobilizing device for use in electric vehicle accidents.

Councilman Abeln inquired on CPR trainings offered by the Fire/ALS Department. Chief Schewe said the department can arrange for those trainings, and recently completed trainings for the lifeguards at Bluegrass Swim Club.

Chief Schewe added that a new part-time firefighter/paramedic has been hired and will start soon.

Police Department – Captain Griffin announced that the recently created Detective position was filled internally by Officer Mike Gross, who has already begun working on a few cases. He also reminded residents to lock their vehicles and remove valuables from sight as there has been a rash of car break-ins in neighboring cities.

Public Works Department – Mr. Bethell said the Fort Henry project is underway and the portion between Amsterdam Road and Glengarry Way should be complete soon. He said the George Huser project started this week. He added that the City Building parking lot project is waiting on encroachment permits from the Kentucky Transportation Cabinet for Queen City Blacktop. He said once the paperwork is received, they will get the resurfacing scheduled.

Legal Counsel – No report.

SPECIAL ANNOUNCEMENTS

Employee Recognitions/Special Thank You's – Mayor Hatter reminded residents of the Community Yard Sale coming up on Friday, September 6th, and Saturday, September 7th, saying a permit is necessary but free.

A voice message left for Officer Desiree Getz was played, with the woman saying she was very kind, helpful, and patient when she needed assistance on Madison Pike. Mayor Hatter commended Officer Getz and said he thinks the team does a great job, but it is appreciated when the outside public sees that also.

COUNCIL COMMENTS

Councilwoman Witt – She thanked the volunteers who continue to pick up litter around the City, saying to-date they have collected 63 bags of trash.

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 Collins made a second. Ms. Russell called the roll.

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

The Council Meeting adjourned at 8:16 PM.

MOTION CARRIED

Respectfully submitted,

Dave Hatter, Mayor

Attest:


Kerrie Holland, City Clerk