



**City of Fort Wright Council Meeting  
Wednesday, October 2, 2019 6:00 p.m.**

**CALL TO ORDER**

The meeting was called to order at 6:51 PM following the conclusion of the Public Hearing.

The following Council Members were present for the meeting:

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

Also present for the meeting were:

City Administrative Officer Jill Bailey  
City Attorney Todd McMurtry  
Police Chief Marc Schworer  
Police Captain Jonathan Colwell  
Fire/EMS Chief Steve Schewe  
City Clerk Susan Ellis

**CITIZEN COMMENTS**

There were no Citizen Comments.

Mayor Hatter commented that he thought one of the citizens was possibly coming to the meeting to talk about an encroachment issue with a neighbor. The Police Chief is aware of this issue which is a private issue.

## **APPROVAL OF COUNCIL MINUTES**

### **September 4, 2019 Council Meeting**

Councilman Weber expressed the need to amend the minutes for this meeting with a few additions to the minutes. Mr. McMurtry agreed that the additions should be included, and Mayor Hatter recommended tabling the minutes for revisions and to be reviewed at the next Council Meeting.

Councilman Weber made a motion to table the minutes of the September 4, 2019 Council Meeting. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

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

### **September 18, 2019 Caucus Meeting**

Councilman Wessels expressed the need to amend the minutes for this meeting to clarify an agreement.

Councilman Wessels made a motion to table the minutes of the September 18, 2019 Caucus Meeting. Councilman Wall made a second. City Clerk Susan Ellis called the 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**

### **1<sup>st</sup> Reading Ordinance 09-19 adopting FY 19/20 Tax Rates**

City Attorney Todd McMurtry read the Ordinance.

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

Councilman Wall thanked Ms. Bailey, Mr. McMurtry, and Ms. Ellis for their work gathering the data to put the spreadsheet tools together. Mayor Hatter thanked Ms. Bailey and Ms. Ellis for their assistance.

City Clerk Susan Ellis called the roll.

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

**MOTION CARRIED**

### **Behringer Crawford Museum Public Event Request**

Mayor Hatter reported that he had received a request for a contribution to have a Fort Wright Day for residents. He questioned whether this would be worthwhile for residents and would enough residents participate to receive a \$1000 benefit from the event. Ms. Bailey commented that as an organization the City of Fort Wright is unable to make donations but could sponsor a day which would be categorized as a recreation event. Discussion followed that this should be a one-time event and that metrics should be collected to evaluate the turnout.

Councilman Wall made a motion to approve expending as much as \$1,000 on the Behringer Crawford Museum Public Event Request. Councilman Feinauer made a second. City Clerk Susan Ellis called the roll.

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

**MOTION CARRIED**

### **Motion to Amend Agenda to Discuss the Workers Compensation Policy**

Chief Schworer had received a request for police officers to work the Blink Event in Covington on own time. Ms. Bailey had concerns about potential workers compensation issue. Mayor Hatter added that the City's policy regarding working this sort of event and workers compensation not detailed.

Councilman Wessels made a motion to amend agenda to add discussion regarding the City's workers compensation policy. Councilwoman Witt made a second. City Clerk Susan Ellis called the roll.

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

**MOTION CARRIED**

### **Blink Event and the City's Workers Compensation Policy**

Mayor Hatter reported that the request came in from Blink and would create exposure to City related to workers compensation. Whenever a City employee is working on his or her own time, what does the City want to do if they get hurt? Workers Compensation covers 67% but what about the other amount?

Mr. McMurtry reviewed the leading case on this topic - 1986 Louisville vs. Brown. This case showed that voluntary service, not compelled, should not be subject to workers comp. Mayor Hatter commented that he wanted to give the employees the opportunity but did not want to expose the City to liability. It was determined that is was acceptable to do the Blink activity.

Mayor Hatter recommended that policy development be sent to the Human Resources Committee. Ms. Bailey expressed the need to have paperwork to document and sign off on such activities. Chief Schworer commented that the officers are aware of the risk and their options and can obtain their own workers compensation coverage. Ms. Bailey expressed concerns about the wording in personnel policy and the need to clean up the policy to have a clearer understanding regarding accrual of sick time, coverage of the 33-1/3% amount, and consideration of modified duty. The Human Resources Committee will review these issues.

## **CAO REPORT**

City Administrative Officer Jill Cain Bailey reminded everyone of Chief Schworer's retirement luncheon on Nov 22, 2019. She stated that she would be sending out her report on Friday of ongoing projects.

Councilman Weber asked about the City's rapport with the accounting firm to continue enhancing the spreadsheet tools developed by Mayor Hatter. Ms. Bailey replied that the City would be able to work with the accounting firm on this.

## **DEPARTMENT REPORTS**

**Administration/Finance** - City Clerk Susan Ellis reported that she is working with Chris Sturms of Capital Software to transition to the new tax software. The historical and tax data has been sent to him for upload and she is completing preparation of the 2019 tax data.

**Fire/EMS Department** - Fire Chief Steve Schewe reported that the GM strike is affecting the production of both the staff car and the new ambulance. The pumper has been painted and is back at Heritage to put it back together and complete additional repairs. He hoped to have it back in a week.

**Legal Counsel** - City Attorney Todd McMurtry reported that he has been working on the telecommunications franchise agreement. He has reviewed what has been adopted by other cities. He stated it is a very basic agreement. Rulings from the Federal Communications Commission require it to be completed in 90 days. There is a legal obligation not to impose unreasonable restrictions. He would like to work on something that will work for all cities. The City would like to include a minimum franchise fee. Mr. McMurtry will look into the possibility of requiring them to do all the right of ways at the same time. Ms. Bailey will invite Tim Broering to attend the next caucus meeting. Mr. McMurtry commented that this current agreement only deals with fiber, but if cellular service it would need to be reevaluated. The FCC requires that the City allow it.

**Police Department** - Police Chief Marc Schworer welcomed Captain Jonathan Colwell. Fort Wright teamed up with Fort Mitchell and Brooks Flooring to put on a bike rodeo. Captain Colwell's and Officer Bradford's wives are having babies this month. October 26, 2019 is the date of the DEA Drug Take Back Program. The Police Department received a donation of Halloween candy from Perfetti Van Melle. Brooks Flooring and State Farm were nominated, and both received awards. The Accreditation Books are about 95% completed and will be sent to the program manager next week. Mayor Hatter commented that the accreditation is very important creating a big impact on liability insurance and demonstrating a higher level of quality service. He expressed his appreciation for Chief Schworer's effort to complete this project before his retirement. Councilman Abeln asked to see the data from the speed sign placed on Lorup Avenue. Mayor Hatter thanked the department for its service for St. Agnes'

Oktoberfest. He asked if the department was seeing any impact yet on the aggressive response to speeding on I75? Chief Schworer replied that morning wrecks are down.

**Public Works** - Public Works Director Jeff Bethell was not present at the meeting as he was on vacation. Ms. Bailey reported that she and Mr. Bethell are working on the dump truck proposal. The red Caravan has a mechanical issue that will require a \$1,000 repair but its value is only \$2,500 value so there is a need to revisit a possible purchase of a transportation vehicle for inmates. Councilman Feinauer asked if the repair would extend the life of the 4 years. Ms. Bailey responded that the vehicle may have other issues. Mayor Hatter asked for additional analysis.

## **SPECIAL ANNOUNCEMENTS**

### **Employee Recognitions/Special Thank Yous**

Mayor Hatter determined that these would be saved for the next meeting.

## **COUNCIL COMMENTS**

**Councilwoman Margie Witt** – No report.

**Councilman Adam Feinauer** had not report but wished everyone a Happy Halloween and reminded everyone to be careful and safe.

**Councilman Dave Abeln** – No report.

**Councilman Scott Wall** – No report.

**Councilman Jay Weber** – No report.

**Councilman Bernie Wessels** – No report.

## ADJOURNMENT OF THE COUNCIL MEETING

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

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

MOTION CARRIED

The Council Meeting was adjourned at 7:57 PM.

Respectfully Submitted,

Dave Hatter, Mayor

Attest:



Susan Ellis, CMC, KCMC  
City Clerk