



# City of Fort Wright

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## City of Fort Wright Council Meeting Wednesday, October 6, 2021 – 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	Absent
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

Mayor Hatter requested an amendment to the agenda to add an Executive Session. Councilman Wessels made a motion to amend the agenda to include an Executive Session. Councilman Feinauer made a second. Ms. Russell called the roll.

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

MOTION CARRIED

### CITIZEN COMMENTS/GUESTS

Joni Pille, 396 Parkside Drive – Ms. Pille addressed Council regarding the request for comments and suggestions on updating the City's parks. She recommended adding pickleball courts. There was discussion about local parks that have been updated to include these courts and questions from Council regarding how to schedule play and the size of the courts.

Mayor Hatter thanked Ms. Pille for attending the meeting and providing her suggestions for improving the City's parks. He said the City has only received about 40 comments about the parks, out of over 6,000 residents, and encouraged residents to send in their thoughts.

Teresa Wilkins, 285 St. Agnes Circle, and Christa Schaffer, 5 Park Road – Ms. Wilkins and Ms. Schaffer addressed Council regarding the proposed upcoming improvements to Volunteer Park. Ms. Bailey advised she does have a presentation regarding the proposal and Mayor Hatter requested to amend the agenda to move Ms. Bailey’s discussion from CAO Comments to Citizen Comments.

Councilman Weber made a motion to amend the agenda. Councilman Feinauer made a second. Ms. Russell called the roll.

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

MOTION CARRIED

Ms. Bailey presented information about Volunteer Park, saying the wooden play structure has been in place for over 20 years and has outlived its lifetime. After meeting with various companies over the last year, Ms. Bailey advised that she recommends moving forward with the Kompan proposal. She presented renderings of the proposed structures, which includes a train play structure to commemorate the Green Line Trolley that use to run through the property, a climbing structure for 5- to 12-year-olds, and one swing that would be handicap accessible. She said there were specific safety guidelines followed regarding the overhead lines and trees on the property. Ms. Bailey advised there would also be a poured in place rubber safety surface, picnic table, benches, and pet waste station.

Ms. Bailey advised the costs of this proposal is approximately \$90,000 and \$25,000 is already budgeted. She said the remaining could come from CARES funding. Ms. Bailey advised it will take about 14-16 weeks to acquire the equipment so the City is anticipating installation in March or April, and then the safety surface will be installed. She said the safety surface has a three-year warranty and the equipment has a one-year warranty.

Ms. Schaffer said the residents are excited for a new park, but the proposed idea seems outdated and not ideal for children over 8-years old. Ms. Wilkins suggested a nature playscape, like Bernheim in Louisville, Smale Park and the Cincinnati Nature Center in Cincinnati, and Summit Park in Blue Ash. She said they would like to see natural elements and no plastic, which could appeal to toddlers through teenagers.

Mayor Hatter asked Ms. Wilkins and Ms. Schaffer to email him the suggestions and Councilman Wessels said there is no problem in looking at an alternative playground. Ms. Bailey said the pricing for the Kompan proposal is good through December 31<sup>st</sup>, so there is time to make a final decision. She said she would work on pricing to present to Council.

## **APPROVAL OF COUNCIL MINUTES**

Councilman Feinauer made a motion to approve the minutes of the City Council Meeting held on Wednesday, September 1, 2021. Councilman Wall made a second. Ms. Russell called roll.

Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Weber	Yes

Councilman Wessels Yes  
Councilwoman Witt Yes

MOTION CARRIED

Councilman Wessels made a motion to approve the minutes of the Public Hearing held on Wednesday, September 15, 2021. Councilman Weber made a second. Ms. Russell called roll.

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

MOTION CARRIED

Councilwoman Witt made a motion to approve the minutes of the Special Council Meeting held on Wednesday, September 15, 2021. Councilman Feinauer made a second. Ms. Russell called roll.

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

MOTION CARRIED

Councilman Wessels made a motion to approve the minutes of the City Caucus Meeting held on Wednesday, September 15, 2021. Councilman Weber made a second. Ms. Russell called roll.

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

MOTION CARRIED

## UNFINISHED BUSINESS

**2<sup>nd</sup> Reading Ordinance 11-2021 – Waste & Recycling Collection Fees** – Ms. Bailey advised this Ordinance is relating to the Rumpke contract. She said the price went up from \$183 per parcel to \$197, which will cover the cost of the contract. She also advised this is a two-year contract, to end on June 30, 2023.

Mr. Theissen read Ordinance 11-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Section 51.09 of the Code of Ordinances to set the trash collection charge for the fiscal years 2022 and 2023. Mr. Theissen advised the waste collection assessment will be \$197.00 per dwelling unit for the two assessment years beginning July 1, 2021, and July 1, 2022.

Councilman Feinauer made a motion to approve Ordinance 11-2021. Councilwoman Witt made a second. Ms. Russell called the roll.

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

MOTION CARRIED

**2<sup>nd</sup> Reading Ordinance 12-2021 – Real & Personal Property Tax Rates** – Ms. Bailey advised the proposed tax rate for real property is 0.265 and the proposed rate for personal property is 0.409.

Mayor Hatter mentioned the rate information that comes from NKADD [Northern Kentucky Area Development District], which uses a formula to determine what the City should assess for tax rates, and the numbers they present are at a compensating rate, meaning the City will be projected to have the same amount of income as the previous year, or compensating rate plus a percentage. Mayor Hatter said the rates were reduced last year by 5% and the proposal is to keep the same rate this year. He said the City receives a substantial amount of income from payroll taxes and there are concerns about people not going back to offices and the impact the City may see there.

Ms. Bailey added that the real property tax compensating rate was 0.268 and the personal property tax compensating rate was 0.439. Mayor Hatter reminded residents that the City does not control property values, only the rate of the tax assessed on that value.

Mr. Theissen read Ordinance 12-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing the tax rate for the fiscal year beginning July 1, 2021, and ending June 30, 2022, upon real estate, personal and mixed property in the City of Fort Wright, Kentucky, and establishing the time and payment and penalty for non-payment of same. He advised the tax would be 0.265 on each \$100.00 of real estate and 0.409 on each \$100.00 of personal and mixed property.

Councilman Wessels made a motion to approve Ordinance 12-2021. Councilman Weber made a second. Mayor Hatter added that this is one of the most important things the City does each year and thanked the Finance Committee for their hard work. Ms. Russell called the roll.

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

MOTION CARRIED

Mayor Hatter reminded residents that the tax software is being updated and bills will be sent in early November. He said there would be email reminders, as well as information on the digital sign in front of the City Administration Building and on social media.

**2<sup>nd</sup> Reading Ordinance 13-2021 – Code Update Delinquent Tax Collection** – Ms. Bailey advised this Ordinance is needed to update the City's Code to correct inaccuracies regarding tax payment collection. She said the Ordinance outlines that tax payments are due in full by 5 PM on December 31<sup>st</sup>, no partial payments will be accepted, and the City will accept postmarks of December 31<sup>st</sup> from the United States

Postal Service. Ms. Bailey said this Ordinance also establishes the penalty and interest amounts and their allocations, along with information about lien placement.

Mr. Theissen read Ordinance 13-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Section 37.02 of the Code of Ordinances; establishing requirements for payment of taxes, and protocols for imposition of penalties, interest and attorney fees to be charged in collecting delinquent taxes. Mr. Theissen commented that there are no changes to the way the City is collecting taxes, just ensuring the Code is updated correctly. Mayor Hatter added that the City is trying to make it crystal clear for residents so they know the expectations.

Councilman Feinauer made a motion to approve Ordinance 13-2021. Councilman Wall made a second.

Councilman Feinauer asked about the lockbox on the front of the building and what happens when December 31<sup>st</sup> falls on a weekend. Ms. Bailey advised there will be administrative decisions and accommodations made for those issues when they arise. She also advised that the intent is to work with residents to get their taxes paid, but the City does need to have these policies in place to ensure prompt payments.

Ms. Russell called the roll.

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

MOTION CARRIED

Mayor Hatter said the intent is never to make someone pay penalty and interest, and everyone is here to serve residents. He reminded residents that multiple payment options exist, including credit card. He also reminded residents that he does not have the authority to override Council's vote on this Ordinance and he cannot waive any penalty and interest.

Ms. Bailey added that notices will be sent to residents and there are many ways to pay, including the drop box at the front door of the City Administration Building, in the lobby during office hours, and online with credit cards. She said the bills will be sent as soon as possible.

## **NEW BUSINESS**

**Municipal Order 05-2021 re: disposal of surplus property** – Ms. Bailey said the City staff has been working to clear out the James A. Ramage Civil War Museum since its closure and there are a lot of items that are surplus property, including old office furniture and display cases. She also advised there is an additional Municipal Order ready with more items. It was determined that the additional items would remain on their own Municipal Order.

Mayor Hatter thanked Behringer Crawford Museum staff, including Executive Director Laurie Risch, and Jeannine Kreinbrink for their hard work and assistance for helping with the artifacts at the Museum and determining where they needed to go.

Ms. Bailey added that three additional items have come up since the second Municipal Order was written, including a stove from the 1950's, the metal wall tile from the kitchen, and a wall container, all

of which belonged to Fern Storer. She said Behringer Crawford Museum is interested in those items and they are ready to take them out this week.

Councilman Wessels made a motion to amend the agenda to add Municipal Order 06-2021. Councilman Feinauer made a second. Ms. Russell called the roll.

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

Councilman Feinauer made a motion to approve Municipal Order 05-2021. Councilman Wessels made a second. Ms. Russell called the roll.

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

Councilman Weber made a motion to amend Municipal Order 06-2021 to include the stove, wall tiles, and wall container. Councilman Feinauer made a second. Ms. Russell called the roll.

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

Councilman Wessels made a motion to approve Municipal Order 06-2021. Councilman Feinauer made a second. Ms. Russell called the roll.

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

**Ordinance 14-2021 – Granting a Franchise to Cincinnati Bell** – Ms. Bailey advised TBNK [Telecommunications Board of Northern Kentucky] has resolved their negotiations with Cincinnati Bell for a 5% franchise fee, which Tom Litzler had previously presented to Council. She said TBNK has asked

all participating cities to formally pass this ordinance as they are ready to move forward with signing documents.

Mayor Hatter added that many utility providers pay the City a 5% franchise fee to access the right-of-way in the City, including Spectrum, Verizon, and Duke Energy. He said TBNK oversees this process and occasionally these agreements must be renewed.

Mr. Theissen read Ordinance 14-2021, an Ordinance granting and issuing a competitive, non-exclusive franchise for a combined term of ten (10) years to, and authorizing the execution of the franchise agreement with, Cincinnati Bell Extended Territories LLC, its permitted successors or assigns, providing for the construction, erection, installation, upgrade, maintenance, repair and operation of a cable television system for the provision of cable television services in the City of Fort Wright, all upon the terms, conditions and covenants contained in the franchise agreement.

Councilman Feinauer made a motion to approve the first reading of Ordinance 14-2021. Councilwoman Witt made a second. Ms. Russell called the roll.

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

MOTION CARRIED

## COMMITTEE REPORTS

**Community Improvement Committee – Chair Councilman Feinauer** – Councilman Feinauer advised the Committee met a few weeks ago to update action items. He said the biggest items is City signage and they are still waiting on permits.

Ms. Bailey added that the City is still waiting on permits for the signs, but has received permission to move forward with the plantings at the corner of Dixie Highway and Kyles Lane.

Councilman Feinauer said the Committee will meet again on October 20<sup>th</sup>.

**Finance Committee – Chair Councilman Wessels** – Councilman Wessels said the meeting scheduled for today has been rescheduled. Councilman Weber added that Ben Harrison [the City's contract bookkeeper and interim City Treasurer] has been working on the new spreadsheet. Ms. Bailey advised he is ready to present that information at the next Council Meeting.

Mayor Hatter added that this spreadsheet that continues to be referenced is a financial projection tool to feed into decision-making for the Finance Committee and Council. He said they continue to work to refine the tools used for accuracy to be sure the City is spending taxpayer money wisely.

## CAO REPORT

Ms. Bailey said work is ongoing to empty the Museum building and the next step will be to determine the future of the building. She said it still has all utilities and an alarm system connected. She said there has been a request for proposals for demolition. Chief Schewe added that five companies have been

contacted but only one has responded so far, and he hopes to have all proposals for the upcoming Caucus Meeting.

Ms. Bailey advised the current proposal is for \$13,570, which includes demolition, removal of the septic system, hauling in fill dirt to bring the space to grade, and seeding and straw for grass. Chief Schewe and Chief Butler both expressed interest in using the building for training purposes prior to demolition.

## **DEPARTMENT REPORTS**

**Administration/Finance** – Ms. Russell said she has been assisting with the Museum closure, including document retention and distribution of loaned items. She said she has also been continuing to facilitate South Hills Civic Club rentals and working on the upcoming Employee Appreciation Lunch, which will be held on November 24<sup>th</sup>.

Ms. Bailey acknowledged Republic Bank for their generous donation to the Employee Appreciation Lunch.

**Fire/ALS Department** – Chief Schewe said that the Fire Department participated in the Hero Night Festival on Tuesday at the DCCH Center for Children and Families in Fort Mitchell. He said the Fire Department had a good time at the event.

Chief Schewe reminded residents to keep an eye out for trick-or-treaters on Halloween.

**Legal Counsel** – No report.

**Police Department** – Chief Butler said the Police Department also participated in the Hero Night Festival and had a nice evening as well. He added that the Department also worked the St. Agnes Oktoberfest last weekend, which went well. Chief Butler said a lockdown drill is planned at St. Agnes Elementary in the next couple weeks. He also announced that a second speed sign has been ordered.

Mayor Hatter commented on the speed sign, saying it is a digital speed capturing device to help with speeding issues and capture vehicle counts. He said the City used to borrow one from Fort Mitchell but that prevented the City from quickly responding to resident concerns. Mayor Hatter said a speed sign was purchased a few years ago and this new one will provide more coverage to capture more data.

Councilman Weber asked about the body camera purchasing and Ms. Bailey said that has not happened yet as the City is waiting to hear the final notice on how ARPA funding can be used. She said priority projects will be discussed at a future Caucus meeting.

**Public Works** – Mr. Bethell reported that the Public Works Department has completed hot asphalt patching, sidewalk repair, and assisted with moving the Museum contents. He said the street program is nearing completion, with restoration finished on Birchwood Drive and some restoration work remaining on Redwood Drive. He said he plans to do a walk-through with the City Engineer soon to create a final punch-list.

Mayor Hatter thanked residents for their patience on the projects that have been happening on the west side of the City, including Amsterdam Road, Fort Henry Road, Redwood Drive, and Birchwood Drive. He said the City spends a lot of money to maintain its roads and some have taken longer than anticipated, but the end-product is worth it. Mayor Hatter also commented about the Redwood Drive



project, saying it does seem to have drug on. He advised residents that the bidding process allows the City to get the most value for taxpayer money and the contracts give flexibility to contractors to work on other projects at the same time, which saves the City money. He acknowledged the frustration when there seems to be no activity happening on a project, but said the contract had the Birchwood/Redwood Drive project to be completed by November 15<sup>th</sup>, and they are finishing now. He also thanked Mr. Bethell and his team for their hard work.

## **SPECIAL ANNOUNCEMENTS**

**Employee Recognitions/Special Thank You's** – Mayor Hatter acknowledged a letter written from the Fort Mitchell Police Chief, thanking the Police Department for their assistance on an incident in August. He also read from a letter thanking Officer Ben Wiesner and Officer Nick VonHandorf for their work.

Mayor Hatter added that he received a personal note from Jason Collins, chair of the St. Agnes Oktoberfest, thanking the City and the Police Department for their support at the event.

## **COUNCIL COMMENTS**

Councilwoman Witt – She thanked the Police Department for their help at the St. Agnes Oktoberfest. She wished a Happy 50<sup>th</sup> Birthday to Public Works Laborer Mike Hoerlein. She also asked residents to turn on porch lights and look out for people walking as it is getting darker earlier.

Councilman Feinauer – He reminded residents of the time change coming up on October 31<sup>st</sup>. He also asked people to be on the lookout for walkers when it is dark and encouraged those walking to wear reflective clothing and carry a flashlight.

Councilman Weber – He asked everyone to watch for the kids on Halloween.

Councilman Wall and Councilman Wessels – They both thanked Mr. Bethell and Ms. Bailey for their hard work at the Museum.

Ms. Bailey added thanks to Mr. Bethell and his department for hauling items out of the Museum. She also thanked Jeannine Kreinbrink, Laurie Risch, and Jason French for their work. She also thanked the Police Department for monitoring and patrolling Park grounds and the Fire Department for assisting with unloading and storing items.

Mayor Hatter said Halloween trick-or-treat hours are posted on the digital sign and social media. He also thanked the staff at Behringer Crawford Museum for their help and knowledge in dealing with the closure of the Museum. He said he looks forward to items providing more value to the community at their Museum.

Mayor Hatter acknowledged that he did not behave in an appropriate manner at the last Council meeting, and he does feel bad for how he behaved. He apologized to Ms. Maines and those who came with her, saying he did not behave in a professional, kind, empathetic way. Mayor Hatter added that he stands by what he said regarding the Museum as he addressed several serious points, but he said he behaved in a way that was inappropriate at times. He acknowledged that he did not want to represent

the City of Fort Wright in that way or to let residents think it is okay to behave that way. Mayor Hatter apologized to Council, residents, and those in attendance.

### EXECUTIVE SESSION

Councilman Wall made a motion to adjourn to Executive Session under KRS 61.810(f), discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. Councilman Feinauer made a second. Ms. Russell called the roll.

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

MOTION CARRIED

The Council Meeting was adjourned to Executive Session at 7:44 PM.

The Council Meeting was reopened to the public at 8:45 PM.

### ADJOURNMENT OF THE COUNCIL MEETING

Councilman Feinauer made a motion to adjourn the Council Meeting. Councilman Wessels made a second. All voting in favor.

The Council Meeting adjourned at 8:45 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell  
City Clerk