



City of Fort Wright

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City of Fort Wright Caucus Meeting Wednesday, October 21, 2020 – 6:00 PM

CALL TO ORDER

The Caucus Meeting was called to order at 6:07 PM by Mayor Dave Hatter following the conclusion of the Special Council Meeting.

CITIZEN COMMENTS/GUESTS

Resident Jason Worms thanked Councilmembers for the tax decrease. He said he appreciates how hard they each worked on the tax rates. Councilman Feinauer said his father also appreciated the decreased rate. Ms. Bailey said a resident from West Henry Clay called to also thank the City Council for their work on the lower rate.

Mayor Hatter requested an amendment to the agenda to rearrange the order of items currently on the agenda and add discussion for Police Department rebranding, a Fire Department purchase, and a request from the Garden Club. Councilman Wessels made a motion to amend the agenda.

Councilwoman Witt made a second. City Clerk Maura Russell called the roll.

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

MOTION CARRIED

ITEMS FOR DISCUSSION

Employee Service Recognition Program – Ms. Bailey said the purpose of this Employee Service Recognition Program will be to recognize employees for their service in five-year increments. She said an Executive Order was prepared and presented to Mayor Hatter and the HR Committee for review, and Councilman Weber requested it be brought to Caucus for discussion. She said the intention is to honor recipients at the Thanksgiving employee appreciation luncheon. Ms. Bailey said the awards have already been ordered for 2020 using money in the employee reward line item of the budget.

Councilman Weber spoke on behalf of the HR Committee, saying he and Councilman Feinauer think it is a great idea and wanted it to come to the full Council. Ms. Bailey advised that this will not be a monetary award program and is not intended to replace longevity pay policies already in place. Additionally, she said the City will not be going backwards to award but will begin with those achieving service levels this fiscal year. She said there are three employees reaching five years and one reaching 15 years of service.

Councilwoman Witt requested clarification on employees who leave employment and return. Ms. Bailey said there is specific language in the policy regarding continuous service, but minor exceptions may be made regarding specific employment agreements.

Mayor Hatter said this is a good idea and a long overdue policy, one that should have been on the books for a long time.

Ms. Bailey reminded Council that when these types of policies are adopted, it is done as an Executive Order and then included with the Personnel Policies, such as the City Holidays. She said they will all be combined to update the Personnel Policies and presented to Council for approval.

Dump Truck Acquisition – Ms. Bailey said the budget has \$125,000 allocated for the purchase of a Public Works Department dump truck and this item is on the agenda to allow Council to hear about the purchase the department will be making. Mr. Bethell explained that he reviewed several options, including a smaller truck versus a larger truck and different brands. He said the dump truck to be replaced is almost 30 years old. Mr. Bethell said the truck they have settled on is a Freightliner M2106 and he was able to test drive the same truck at Villa Hills and Elsmere, and both departments spoke highly of the vehicle. He said it will come in at \$116,538. He also said Fyda Freightliner is in Richwood and available for assistance or maintenance of the truck.

Councilman Wessels asked if this purchase needs to go out for a competitive bid. Mr. Bethell said it did not because the City will be purchasing the vehicle under the state of Kentucky's purchasing contract.

Councilman Weber asked about any efficiency improvements the department will add with the new dump truck. Mr. Bethell said there are computerized systems available for salt spreading but they are expensive and must be pre-programmed, which would possibly require changing settings mid-application. He said the current system the department uses is a dial system and it allows for bumping up or down the salt application easily. Mr. Bethell also discussed the preference for a stainless-steel bed, as the existing dump trucks have steel beds and rust very quickly requiring multiple weld patches. He also said this truck will come with a Western plow, which the department already has three of and likes using.

Mayor Hatter concluded the discussion, saying the request comes in under budget and will be replacing a vehicle that is almost 30 years old. He said it is a good time to make a purchase like this.

Cincinnati Bell Cable TV Franchise – Tom Litzler introduced himself saying he is representing Tim Broering, Executive Director of the Telecommunications Board of Northern Kentucky [TBNK]. He said Cincinnati Bell, with whom the City has a cable franchise agreement, has requested to sell to MacQuarie, a \$495 billion company headquartered in Australia with a major office in New York City. He advised Council that they have the right and responsibility to approve or deny the request to sell because the company needs their permission to provide cable service to Fort Wright residents. He said the cable franchise authorizes the company to use rights-of-way within City limits, including running cable lines overhead or underground. He said they need this permission because they are a for-profit company, unlike utility providers for sewer, water, or gas. Mr. Litzler said the existing contract was signed nine years ago which authorizes the company and establishes guidelines to follow for quality, safety, service,

and compliance issues to protect the City and residents as they go on and off properties. He said this contract also gives the City the responsibility and authority to approve the transfer of ownership.

Mr. Litzler continued, saying part of TBNK's responsibility for its members is to review requests like this and make recommendations. He said TBNK has met with Cincinnati Bell and at this month's board meeting will recommend that Fort Wright and the other 16 participating cities in Kenton County approve the transfer.

Mr. Litzler advised Council that they were given a fact sheet about why the transfer should take place. He also said the approval or denial must be made by Resolution, and a sample has been provided for review. Mr. Theissen said he received and reviewed the sample Resolution. Mr. Litzler said the FCC [Federal Communications Commission] requires decisions made within 120 days from the date of submission, which gives the City until December 9th to decide. He continued by advising Council that no action or a denial would still lead to this being approved automatically by TBNK, but either approving or denying is their right and responsibility. Mr. Litzler said that in the time he has been involved with TBNK, cable companies have transferred ownership seven or eight times. He said there are specific requirements given by the FCC to approve or deny, including demonstration that the company is financially and technically capable of handling services. If the City of Fort Wright denies the request, the burden of proof will be on the City to prove why the company is not financially or technically capable. Mr. Litzler concluded by saying Cincinnati Bell has no noncompliance issues and have been a good vendor since they were issued a franchise, which is why TBNK recommends City Council approve the request.

Mayor Hatter said there are 16 other parties to this agreement that make up TBNK, so the City of Fort Wright could not individually stop the transfer, but it would present a situation with Council and the new company on how they can or cannot operate within the City without a contract. Mr. Theissen confirmed that the agreement is set up so that it is approved unless a City takes the responsibility to prove the company is not financially or technically capable.

Councilman Wessels inquired on the franchise fees, asking if the fees are the same as similar agreements with Verizon. Ms. Bailey said it was discussed with the previous City Attorney to make the fees even across the agreements, so the fees are probably the same, but she did not have the actual numbers immediately available. Mr. Litzler confirmed that, saying by not maintaining a level playing field, the City is setting itself up for a lawsuit. Ms. Bailey confirmed this Resolution will go on the November agenda for voting.

There was discussion regarding reinstating the Fort Wright Generals program, honoring those who volunteer for the City. Ms. Bailey confirmed it is on her list to revamp in some way and possibly create an additional award or rename it. Mayor Hatter said he is willing to consider it depending on how the program is set up.

Garden Club Donation – Councilwoman Witt announced that the Fort Wright Garden Club would like to donate a Norway Spruce tree for the front yard of the City Administration Building. She said the Club would also like to host a tree lighting event for the City each year using this tree, which would replace the swags that have been done for years. She said the swags have become time consuming and are hard to put up and take down each year. Mayor Hatter said this is a good idea and he remembers when there

used to be a large pine tree that was decorated for Christmas each year. He said he appreciates the generosity of the Garden Club.

Councilwoman Witt said she would work with Mr. Bethell to determine the appropriate placement. Mr. Bethell mentioned electricity being added to the front of the building. He said he is talking with electricians for bids on the project.

Ms. Bailey mentioned the Easter Bunny driving through Fort Wright in the Spring was a huge success. She suggested having Santa and Mrs. Claus drive through the City on a fire truck in December. She said she will work on purchasing suits for the City to keep.

Incremental Changes to Police Department Branding – Mayor Hatter reminded Councilmembers that the Police Department has new patches they will be rolling out with their new uniforms soon. He said the department would like to rebrand the police cars and he is in favor of the changes but wanted Council to hear about the ideas.

Mayor Hatter clarified that the proposal is not to rebrand everything at one time, but to rebrand as new cruisers are brought on. Chief Butler confirmed this, saying the cars must be marked either way and this new design will slowly roll in as the fleet is turned over.

There was discussion on the phrasing on the side of the car, as well as color scheme. Chief Butler said the preference is blue over black on a white cruiser.

Fire Department Expense – Chief Schewe said when the new ambulance was purchased the new LUCAS compression device was also purchased and is the only item not duplicated on the older ambulance. He said the compression device on the older ambulance is a Zoll Auto Pulse Resuscitation System and they recently did a normal check on the device and it was not working properly. He said it was sent back for repair and determined that the processor board that needs to be replaced is no longer available. Chief Schewe said this is a 14-year-old piece of equipment, so this happens as technology improves. He said he wants to purchase the same LUCAS device the department demonstrated at a recent Council meeting and the price comes in a bit cheaper because they can trade in the old Zoll device. He said the total would be \$16,500 which includes an extended warranty. Chief Schewe said the current device has already been used on a few runs and is a huge benefit when dealing with limited staff and the quality of the CPR given by the device cannot be mimicked by people.

Ms. Bailey said the Fire Department has the funds but will need to do a budget amendment to include the purchase. Councilman Feinauer asked about the extended warranty and Chief Schewe said all calibration and electronics are covered by the manufacturer, as is a loaner if the existing device needs to be fixed.

Councilwoman Witt asked if there was a lifespan for this kind of equipment so the departments can be prepared in budgeting for replacements. Chief Schewe said this piece would have been a bigger item requested in the next budget cycle because it would have been 15 years old. Mayor Hatter said that questioning the lifespan of equipment is a good idea to be prepared, but the City will also need to consider the technology being used because that is changing rapidly. He recommended reviewing the

equipment the City has in general to determine serviceability and a cost-benefit analysis of purchasing something newer because of technological advances. Mayor Hatter said based on Council's reaction and feedback there is no objection to the Fire Department purchasing another LUCAS device.

EXECUTIVE SESSION

There was no need for an Executive Session.

DEPARTMENT REPORTS

Police Department – Chief Butler said Aaron Arnsperger has returned to the department and was sworn in this afternoon and went right out to the streets to work. He said Sgt. George Kreutzjans retires on October 31st and the application process was opened to certified and noncertified applicants. He said they received approximately 45 applications and will begin setting up interviews next week.

Chief Butler addressed the incident that occurred on Interstate 71/75 on Friday, October 9, thanking the team that helped bring resolution to the incident. He said it is a terrible situation when someone dies, but from an incident management point it went well. He thanked the Fire Department, Public Works Department, and Ms. Russell for their assistance. Councilman Wessels thanked Chief Butler and his officers for their work. Chief Butler said that in his 30 years of police work, this is the first time 15 witnesses had agreeable statements and there was even video of what happened from another witness, so there was no dispute of the facts.

Mayor Hatter mentioned an incident where Kenton County Dispatch sent Fort Wright officers to an incorrect address and asked Chief Butler to address the situation. Chief Butler said there were three officers dispatched to a home on Highland Pike for a domestic violence situation, but when the officers arrived there was no situation occurring. He said the owner of the home allowed the officers to search the house and property and the officers validated it was not a legitimate call. He said Dispatch tracked the caller and realized it matched to the same address in Cincinnati. He said Cincinnati Police were dispatched and there was a domestic violence incident occurring, which they handled.

Mayor Hatter said he has called 911 in the past and has been directed to Campbell County or Cincinnati because of the cell phone towers. He said he brought it up in the Mayor's Group meeting when Judge Kris Knochelmann and Kenton County Emergency Management Director Steve Hensley, along with the other cities who were present at the meeting so they were aware that these issues are happening and something tragic could have happened. Chief Butler said there are many variables with the incoming calls, including loads on tower sites causing redirection. He said the best answer is the human on the other side of the phone getting as much information as they can. He said in this situation the caller gave basic information then disconnected so Dispatch had to work with what they were given and could not take the risk of not sending someone to check. Chief Butler continued, saying there is information in the background of calls including tracking of the cell location, but that can sometimes take additional time to retrieve and Dispatch worked as quickly as they could because of the situation reported.

Public Works Department – Mr. Bethell reported that bushhogging in rights-of-way has been completed. He said Riegler Blacktop hopes to finish paving tomorrow. He said Upland is finished and the leveling has been completed on Henry Clay and Christine.

Councilman Weber asked Mr. Bethell to get photos of the work being completed on Amsterdam Road to be added to the City's Facebook page.

Administration/Finance Department – Ms. Russell had no report.

Legal Counsel – Mr. Theissen said he is working on some delinquent foreclosure tax bills, including a property on Lakeview.

Mr. Theissen addressed the way that Mayor Hatter and Councilmembers handle Ordinance voting. Mr. Theissen said it is not necessary to have a roll call vote at the first reading and at the second reading, as it is only required at the second. He continued, saying there is no reason legally that Council cannot continue to vote in this manner. He clarified that statement by saying zone change applications having a first and second reading and vote could theoretically violate due process if there was a situation where voting members changed their minds between the first and second votes. Mayor Hatter said it is the way he has always done the voting for Ordinances and no other legal counsel has brought it up. He said he feels it provides transparency and puts people on the record with decisions they make on behalf of residents. After discussion, it was decided to continue voting at both first and second readings unless legally prevented.

ADJOURNMENT

There being no further business, Councilman Feinauer made a motion to adjourn the Caucus Meeting. Councilman Abeln made a second. City Clerk Maura Russell called the roll.

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

MOTION CARRIED

The Caucus Meeting was adjourned at 7:33 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell
City Clerk