



City of Fort Wright
409 Kyles Lane
Fort Wright, KY 41011
859.331.1700

Council Caucus Meeting
Wednesday, November 20, 2019 - 6:00 p.m.

CALL TO ORDER

The meeting was called to order at 6:06 PM by Mayor Hatter following the conclusion of the Special Council Meeting.

The following Council Members were present for the meeting:

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

Also present for the meeting were:

City Administrative Officer Jill Bailey
City Attorney Todd McMurtry
Police Captain Jonathan Colwell
Fire/EMS Chief Steve Schewe
Public Works Director Jeff Bethell
Treasurer/Senior Deputy Clerk Susan Ellis

CITIZEN COMMENTS

There were no Citizen Comments.

ITEMS FOR DISCUSSION

Councilman Wessels made a motion to rearrange the agenda so that the Waymeyer's request to accept donation of property would be the first item. Councilman Feinauer made a second. Treasurer/Senior Deputy Clerk Susan Ellis called the roll.

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

MOTION CARRIED

Request to accept donation of property (11 Sunnyside Ave) – Waymeyer

Mr. Waymeyer provided background on property. His understanding is that the property is land locked. He has tried to sell the property for many years but there has been no interest. He would like to donate to City of Fort Wright. The executor of the estate of the adjoining property is also interested in donating that lot. There is no road frontage on either lot. Ms. Bailey commented that there had not been enough time to research the property so there was no additional information. Flooding, closure of paper streets, and potential foreclosure on two other lots were discussed. Mayor Hatter commented that barring any sort of environmental issue he saw no reason not to accept the donation. He asked for time to do research and said that he would be in contact with the Waymeyers.

Telecommunication Franchise Agreements

Ms. Bailey provide a recap and stated that the City needs to make decisions regarding the rate and term of the contracts. The rate was 3-5%. The City of Park Hills just approved a 5% rate in their agreement. Above 5% could result in litigation. Initially a 10-year term was proposed, but now a 5-year term is being proposed to allow for changes in technology and not be locked in for such a long period.

Councilman Weber expressed the following concerns:

- Some of the areas are on state right of ways. Mr. McMurtry responded that he would research if City permission is needed for these areas.
- No default provisions in the proposed agreement. Tim Broering of TBNK has standard language he can provide. Mayor Hatter cited the difficulty with the long-term agreement with Cincinnati Bell and use of the Public Works Building expressing the need to shift the burden to the franchisees to comply. Mr. McMurtry responded that he would make those changes.
- Consequences for non-compliance. Non-payment as non-compliance, grace period, interest charges were mentioned. Mr. McMurtry commented that consequences would not be enforceable if the City is negligent with enforcement mentioning waiver and laches. He stated that he would add the language “automatic” but that the City would need to stay on it.

Mr. McMurtry commented that Tim Broering’s recommendation was that things are changing so rapidly, that a 5-year term gives a chance to reevaluate the agreement. Mayor Hatter commented that it would be foolish to enter into any agreement of 10 years that was related to technology.

Councilman Weber asked about the removal of abandoned equipment. Mr. Bethell responded that it was already covered in the proposed agreement. Mayor Hatter commented that it did

refer to standards but he questioned what those standards were. Mr. McMurtry responded that he believed there were standards. Mayor Hatter concluded that this would need to be researched and to consult Tim Broering and Tim Lynch.

Mayor Hatter expressed the need for a system to document renewal/expiration dates.

Mr. McMurtry stated that the plan was to approve the agreement with the suggested changes at the next Council Meeting. Following that would be the approval. It was acceptable to parallel track with the permits. The minimum charge would be \$1000 per month.

Ms. Bailey asked about producing a model ordinance for Cincinnati Bell and Duke Energy. Mr. McMurtry responded that these can be created and the numbers put in once they were determined. It was anticipated that Cincinnati Bell would be the same as MCI Metro, but Duke Energy would have other considerations. Mr. McMurtry commented that Duke has its own model. He stated that he would have it all ready to go for the next Council Meeting.

Ongoing 'Project & Issues' List Review

Ms. Bailey reported that she had provided an update and asked if there were any questions.

Mayor Hatter reported that he has received emails regarding three new issues:

- Hilltoppers Senior Group Holiday Luncheon – This has been an event that has been going on for a long time and predates his time as mayor. Ms. Bailey commented that she has heard nothing from them since last year luncheon and her observation was that the group consists only of a small percentage of Fort Wright residents. Mayor Hatter stated that the City would do the event again this year, but that Council needs to make a decision as to whether this should continue. The cost to the City is approximately \$600-\$700. It was concluded that more information needed to be collected before making a final determination.
- Crosswalk at St. Agnes -- Mike Bloemer sent an email to Chief Schworer regarding vehicles driving through the crosswalk and around crossing guard. This is a state route over which the City has no control. Mayor Hatter stated that he is willing to work with St. Agnes and would reach out to the state regarding this issue. This is already a police hot spot and needs additional enforcement. If St. Agnes is willing to pay for additional services, it can be arranged. Another possibility would be to contact the Sheriff's Department for assistance.
- Scheduling Conflict – Fort Wright Day at the Behringer-Crawford Museum was inadvertently scheduled the same day as the James A. Ramage Civil War Museum's Civil War Christmas event.

Ms. Bailey reported that the City's 80th year anniversary is coming up in 2021. If a celebration event will be taking place, there is a need for time to plan. Mayor Hatter responded that he is not against doing an event but that while he's been involved with the City, these types of events have really gone over. As there was not much interest in putting on event, this idea was dismissed.

ADJOURNMENT OF THE CAUCUS MEETING TO EXECUTIVE SESSION

Councilman Feinauer made a motion to adjourn the Caucus Meeting to Executive Session pursuant to KRS 61.810 Paragraph (f), discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee. Councilman Wall made a second. Treasurer/Senior Deputy Clerk Susan Ellis called the roll.

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

MOTION CARRIED

The Caucus Meeting was adjourned to Executive Session at 7:18 PM

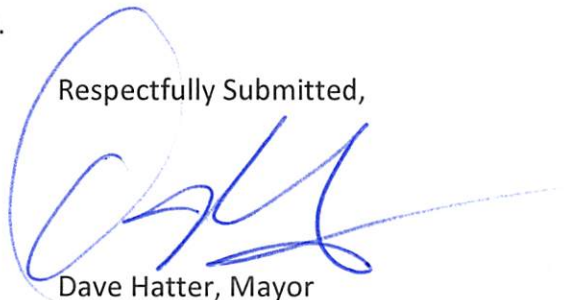
The meeting was re-opened to the public at approximately 7:52 PM.

ADJOURNMENT OF THE CAUCUS MEETING

Councilman Wessels made a motion to adjourn the Caucus Meeting. Councilman Walls made a second. All voting in favor.

The Caucus Meeting was adjourned at 7:53 PM.

Respectfully Submitted,



Dave Hatter, Mayor

Attest:



Susan Ellis, CMC, KCMC
Treasurer/Senior Deputy Clerk