



City of Fort Wright

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City of Fort Wright Council Meeting Wednesday, December 7, 2022 – 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 Feinauer	Present
Councilman Wall	Present
Councilman Weber	Present
Councilman Wessels	Present
Councilwoman Witt	Present

Also present for the meeting were:

City Attorney Tim Theissen
Fire/EMS Chief Steve Schewe
Police Chief Ed Butler
Public Works Director Jeff Bethell
City Clerk Maura Russell
Finance Clerk Kelly Perry

Mayor Hatter requested a motion to amend the agenda to move the special recognition of Councilman Feinauer up in order and to add discussion and voting on Ordinance 12-2022 and Municipal Order 07-2022. Councilman Wessels made the motion and Councilwoman Witt made a second. Ms. Russell called the roll.

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

MOTION CARRIED

CITIZEN COMMENTS/GUESTS

Joe Nienaber, Jr., addressed Council requesting consideration for a turn lane on Highland Pike to assist residents living in the vicinity of Lorup Drive behind the City Building and in the Mount Vernon Drive area with entering and exiting their neighborhoods. He acknowledged that the road does belong to the state of Kentucky but said he has spoken with some Kenton County officials that he believes would support the City in this request to the Kentucky Transportation Cabinet. Councilman Wessels added that this issue had also been brought up at the Brent Spence Bridge meeting at South Hills Civic Club on December 1st. Mayor Hatter asked Mr. Bethell to investigate this request further.

APPROVAL OF COUNCIL MINUTES

Councilman Weber made a motion to approve the minutes of the Council Meeting held on Wednesday, November 2, 2022. Councilman Feinauer made a second. Ms. Russell called roll.

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

Councilman Abeln made a motion to approve the minutes of the Caucus Meeting held on Wednesday, November 16, 2022. Councilman Wessels made a second. Ms. Russell called roll.

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Special Recognition of Outgoing Councilman Adam Feinauer – Mayor Hatter led off recognition of Councilman Feinauer saying he has served the longest continuous tenure of any Council member and has done an amazing amount for the City. He said Councilman Feinauer has chosen to pursue being a Deacon in the Catholic Church and chose not to run for reelection, and the City will miss his institutional memory, dedication, and devotion.

Each Council member addressed Councilman Feinauer, thanking him for his work, commitment to residents, consciousness, friendship, time, compassion, integrity, service, and thoughtfulness.

Kenton County Commissioner Joe Nienaber, Jr, presented a Proclamation declaring December 7, 2022, Adam Feinauer Day in Kenton County. He said the people of Kenton County appreciate him and his accomplishments. Mr. Nienaber also thanked Councilman Feinauer personally for assisting with hard issues when he served on Council and as Mayor of Fort Wright.

State Representative Kim Banta presented Councilman Feinauer with a commission of Kentucky Colonel, bestowed on behalf of Governor Andy Beshear, and thanked him for his selfless service to the City.

State Senator Chris McDaniel presented Councilman Feinauer with a state Senate Citation and thanked him for his engagement, mentorship, and partnership.

Former Mayor and City Administrator Joe Nienaber, Sr, addressed Council to thank Councilman Feinauer, as did former Councilmember and current Public Works Laborer Mike Hoerlein.

Mayor Hatter presented Councilman Feinauer with a variety of gifts from the City, including a bobblehead likeness of himself, a Key to the City, and a Proclamation declaring December 8, 2022, Adam Feinauer Day in the City of Fort Wright. He thanked Councilman Feinauer again for serving for thousands of hours and attending more than 570 Council meetings over the years, pointing out his dedication, support, and commitment.

Councilman Wessels made a motion to accept the Proclamation declaring December 8th Adam Feinauer Day in the City of Fort Wright. Councilman Wall made a second. Ms. Russell called the roll.

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

Councilman Feinauer thanked everyone for their kindness and generosity, saying he plans to stay involved where he can in the future.

FY 2021-22 Audit (John Chamberlin, Chamberlin Owens CPA) – John Chamberlin presented the financial statements for the fiscal year-ended June 30, 2022. He thanked Ms. Bailey, Ms. Perry, Ms. Russell, and Mr. Harrison for their time and attention while his staff was on-site.

Mr. Chamberlin presented the following:

- Presented in accordance with accounting principles generally accepted in the United States (GAAP)
- Issued an unmodified opinion, meaning no modifications were required to the opinion and they are stated fairly; the highest opinion they can give
- There are no material weaknesses or significant deficiencies in internal control
- There are no instances of non-compliance with laws or grant or bond arrangements; specifically, the City is fully compliant with KRS [Kentucky Retirement Systems] and CERS [County Employee Retirement System]
- The City has approximately 20 months of cash on hand.

Mr. Chamberlin closed by saying the City is in great financial position.

There was discussion about CERS pension liability with the recent announcement about the 2023-24 contribution rates going down and the impact on the City's financial position.

Mayor Hatter thanked Mr. Chamberlin and his staff for their work and professionalism. He also thanked the Finance Committee for the time they put into budgeting and audit preparations each year and for being good stewards of residents' money, and he thanked staff for spending responsibly.

Executive Order 01-2022 – Reappointment of BOA Members – Mayor Hatter thanked the existing Board of Adjustment members for their hard and thankless work serving residents in the City. Mr. Theissen read Executive Order 01-2022, reappointing Gene Weber and Joe Nienaber, Sr., to the Board.

Councilman Weber made a motion to accept Executive Order 01-2022. Councilman Wessels made a second. Ms. Russell called the roll.

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

MOTION CARRIED

Ordinance 12-2022 Regarding the Motor Vehicle Tax – Mayor Hatter said the City worked hard to remove the motor vehicle tax that comes to the City when residents pay their yearly vehicle registration, saying it has been in place since at least 1983 and Council wanted to put that money back in residents' pockets. He said Council took the steps necessary to remove the tax by passing Ordinance 11-2022, which would have had the repeal go into effect January 1, 2023.

Mayor Hatter said that the state rejected the rescinding of the tax for two reasons, saying that the City missed the deadline and that cities cannot rescind a tax on certain properties, including motor vehicles. Mayor Hatter apologized to residents, saying the City should have caught the deadline issue, but had no idea the entire request would be denied. He said that he would like to sue the state to force resolution with Council's blessing.

Mr. Theissen advised that 14 of the 19 cities in Kenton County and over 130 other cities around the state are not charging this fee. He said the state advised they could reduce the fee to \$0.02 per \$100 but could not eliminate it completely. He said the Ordinance being brought today for a first reading would repeal Ordinance 11-2022 and update the tax rate which would go into effect January 1, 2024.

Mr. Theissen completed a first reading of Ordinance 12-2022, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, repealing Ordinance 11-2022 to maintain the motor vehicle tax at previously established rates until January 1, 2024, and at that time reducing the rate to \$0.02/\$100; and amending Section 37.02 of Title II, Chapter 37 of the City of Fort Wright Code of Ordinances relating to taxation, implementing the amended tax on motor vehicles.

Councilman Abeln made a motion to accept the first reading of Ordinance 12-2022. Councilman Wessels made a second. Ms. Russell called the roll.

Councilman Abeln	Yes
Councilman Feinauer	Yes
Councilman Wall	Yes
Councilman Weber	Yes

Councilman Wessels	Yes	
Councilwoman Witt	Yes	MOTION CARRIED

Councilman Wessels made a motion to authorize Mr. Theissen to investigate the possibility of legal action against the state of Kentucky regarding the repeal of the motor vehicle tax and report back to Council his findings. Councilman Abeln made a second. Ms. Russell called the roll.

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

Municipal Order 07-2022 – Surplus Property – Mr. Theissen read Municipal Order 07-2022, an order declaring surplus property and authorizing disposal of such property by destruction and/or recycling. He said the items up for surplus include the 1987 John Deere backhoe and accessories, along with some old audio equipment. Councilman Wessels requested to surplus Councilman Feinauer's laptop so he could keep it for personal use.

A motion was made by Councilwoman Witt to pass Municipal Order 07-2022. Councilman Abeln made a second. Ms. Russell called the roll.

Councilman Abeln	Yes	
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 said the Committee met on November 16th to review the action list and the major items at this time are the Gateway Signage and the replacement of benches and trashcans.

Councilman Feinauer recommended Councilman Wall be named Chair of the committee and requested to stay on the committee as a resident. There was no opposition.

Finance Committee – Chair Councilman Wessels – Councilman Weber said RedTree Investment Group will present at the January 4th Council meeting.

Mayor Hatter asked Councilmembers to consider any adjustments they would like to make to the current committee structure and determine if there is the need for additional committees or working groups. He said they have already discussed a group that would look at policies, procedures, and succession planning.

CAO REPORT

Ms. Bailey was not present for tonight's meeting.

DEPARTMENT REPORTS

Police Department – Chief Butler asked residents and visitors to not make it easy for thieves to take things from cars by keeping doors locked and packages and purses in trunks. He also asked residents to watch for their neighbors.

Councilman Weber asked Chief Butler about the additional shields and equipment he was planning to purchase. Chief Butler said the new shields have come in and are being evaluated by officers, and he will present more information in January.

Mayor Hatter reminded residents that the vacation check forms are available on the website.

Fire/ALS Department – Chief Schewe reminded residents that Santa and Mrs. Claus would be parading through the City this Saturday, December 10th, starting at 2:00 PM.

Public Works Department – Mr. Bethell said the street program is officially complete and came in \$94,000 under budget. He said they have begun working with the City's engineers, Sanitation District, and the Northern Kentucky Water District on infrastructure needs for next year's project on Fort Henry Drive.

Administration/Finance – Ms. Russell reminded residents that tax bills are due December 30, 2022. She said the department has been maintaining steady passport acceptance appointments and rentals for South Hills Civic Club.

Legal Counsel – Mr. Theissen had no report.

SPECIAL ANNOUNCEMENTS

Employee Recognitions/Special Thank You's – Mayor Hatter thanked the Fort Wright Garden Club for their work on the Christmas Tree Lighting that took place on Saturday, December 3rd. He thanked those who attended, including future Councilman Jason Collins, Councilman Feinauer, Councilman Weber, the St. Agnes Carolers, and Santa and Mrs. Claus.

Mayor Hatter reminded residents that Behringer Crawford Museum will be hosting Fort Wright Day on Saturday, December 17th, for their Holly Jolly Days. He said there will be no charge for residents to attend that day.

Mayor Hatter read a Thank You note from Dave Witt congratulating Councilmembers on being reelected.

COUNCIL COMMENTS

Councilwoman Witt – She said the White Christmas display at Behringer Crawford Museum is wonderful. She wished everyone a Merry Christmas and Happy New Year.

Councilman Feinauer – He thanked Mr. Bethell and his team for their work in decorating the City Building and tree out front. He wished everyone a Merry Christmas and Happy New Year.

Councilman Abeln – He complemented the employee Thanksgiving lunch, saying he was glad he could attend.

Mayor Hatter added that the Thanksgiving lunch was a great event and thanked Ms. Russell, Mr. Bethell, Ms. Bailey, and Ms. Perry for their work in holding a great event. He also thanked the Kentucky Transportation Cabinet for hosting a community meeting regarding the Brent Spence Bridge project in Fort Wright and for being receptive to residents and Council as they provide suggestions and ideas as the project begins.

Councilman Weber – He wished everyone a Merry Christmas and Happy New Year.

Councilman Wall – He wished everyone a Merry Christmas and Happy New Year.

Councilman Wessels – He wished everyone a Merry Christmas and Happy New Year.

EXECUTIVE SESSION

There was no need for an Executive Session.

ADJOURNMENT OF THE COUNCIL MEETING

Councilman Feinauer made a motion to adjourn the Council Meeting. Councilman Wessels made a second. Ms. 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 Council Meeting adjourned at 7:56 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell, City Clerk