



City of Fort Wright

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City of Fort Wright Council Meeting Wednesday, August 4, 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	Present
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 Engineer Mark Brueggemann and Martin Hellmann

CITIZEN COMMENTS/GUESTS

Lauren O'Brien (NKADD) – CDBG Utility Grant Update – Mayor Hatter introduced Ms. O'Brien to Council and said she is here regarding the Resolutions that will need to be passed to release funding for the utility relief grant. Ms. Bailey added that the documents were included in the packet and there are three Resolutions tied to the release of funds.

Councilman Weber asked Ms. O'Brien if the fee that NKADD [Northern Kentucky Area Development District] receives is paid by the City of Fort Wright. Ms. O'Brien said the fee that NKADD receives is part of the grant and not due from the City. Councilman Weber also asked who is responsible if funds are paid out when they should not be. Ms. O'Brien said she would get confirmation on that information.

Mayor Hatter explained the funding further, saying the Community Development Block Grant [CDBG] is federal funds being made available for those who are behind on utility payments because of the pandemic. He said there is \$125,000 available for Fort Wright residents, and they can apply through NKCAC [Northern Kentucky Community Action Commission] for money that would go straight to the utility to catch payments up for residents.

Councilman Wessels asked about unspent funds, and Ms. O'Brien said she would confirm where those funds would go if not used by Fort Wright residents.

Williams Creek Development (IDE, Inc.) – Dan Greene, owner of DMG Companies, introduced himself and his team – Eric Greene, Tim Foster, and James Hahn. Mr. Theissen reminded Council that this group is here for informational purposes only and this information may come back before Council for zoning-related issues. He advised Council that doing anything that may reveal their opinion on the development this evening will disqualify themselves from voting later. Mr. Theissen said they can ask questions but should not do anything to reveal their opinion or offer conditions for support.

Dan Greene presented information relating to the background of the company and their interest in the Williams Creek development. He said the proposed idea is for The Crest at Williams Creek, which will be apartments that extend past the existing condominium development, and include a clubhouse with fitness and business centers, pool, playground, and dog park. He said many of these items were supposed to be part of the original development that never happened. Mr. Greene presented renderings of the proposed development and said he is working with the current owner to beautify the existing condominiums, as well as build one more condominium until to match the existing units.

Mr. Foster, of IDE, Inc., said the area was originally zoned R1-D, single family residential, and was changed around 2006 to R1-DCD for the development. He said they are working with PDS [Planning and Development Services of Kenton County] to change to PUD [Planned Unit Development Overlay Zone] to allow for multi-family dwellings. Mr. Foster also clarified that the current plan would include 164 total units, including the existing condominiums, and leaves 19 acres of hillside untouched.

Ms. Bailey asked what the price-point will be for the various units. Mr. Greene said they plan to be market rate, higher-end apartments. He said the condominiums would be comparable to neighboring unit sale prices. Ms. Bailey also asked about public and private streets. Mr. Foster said a portion of the streets have already been built and the plan is to come off those with parking lots. He said they could extend those streets if the City desires for connectivity purposes, and they can be built to public street standards if the City wishes.

Ms. Bailey inquired about the additional condominium units and how those will merge into any existing association. Mr. Greene said his company plans to acquire common ground to have control and they do not plan to initially charge the condominium owners for using the amenities. He said he plans to write that into the association documents and is planning a meet-and-greet with existing unit owners.

Mr. Theissen asked about any mixed use or commercial involvement. Mr. Foster said there will be only residential usage. Mr. Theissen brought up grading, and Mr. Foster said the steepest grade is Williams Creek Way at 10% and they will not exceed that. He said the plan is for parking lots to be level on a ridge, benched on the hillside, to prevent further hillside disturbance.

Mr. Greene clarified that the construction will be done in one phase, and he sees no issues with the amenities being completed during initial construction. Ms. Bailey asked Mr. Greene to work with Mr. Bethell to review streetlight and street sign requirements to be in line with what is required in the City of Fort Wright.

Councilwoman Witt asked why the 19 acres would remain undeveloped. Mr. Greene said the main reason is the hillside is very hard to develop and his company can accomplish what they want within the existing development. He said he wants to maintain the greenspace but does not plan to develop any

trails in that area because of the steepness. Mr. Greene said he does plan to finish out the existing walking path already around the condominium units.

There was discussion about safety equipment being able to access those areas, and Chief Schewe said he sees no problems if it is built within the subdivision standards. There was also discussion about utilities, and Mr. Foster clarified the utilities are all in along the existing streets and the only plan is to add what is needed to serve the new buildings.

Ray Gruner – 303 Redwood (Storm Water Issues) – Mr. Gruner introduced himself and gave background on the property that is impacting his home. He said Trauth Homes purchased the property after a home explosion and built three homes, 1658, 1662, and 1670 Park Road. Mr. Gruner said during the construction of 1670 Park Road, Trauth Homes removed a swale that bordered his property and carried water away from his home and 301 Redwood to a catch basin on Park Road. He said the swale was replaced with a small indentation that has caused a lot of problems. He also said the hillside was dug out to accommodate the home, causing a steeper angle for water to flow off faster.

Mr. Gruner said he and his wife have spent a lot of money to keep the water out of their yard, including landscapers and installation of a French Drain. He said the owners at 1670 Park are adding a pool to their yard this summer, which is causing mud to come onto their patio. Mr. Gruner said he researched City Ordinances and believes Trauth Homes violated at least two during construction of these homes. He added that any solution proposed to him would be between \$8,000 and \$22,000. He asked Council to consider working with the four impacted homeowners to come up with a solution between SD1 [Sanitation District No. 1 of Northern Kentucky] and PDS to figure out how to carry the water away from these properties. He said he also believes PDS did not complete their due diligence with building inspection.

Ms. Bailey said Mr. Gruner sent multiple documents, which have been provided to Council for review. Mayor Hatter said everyone can agree that there is a problem, but the City is restricted on how to spend taxpayer dollars and cannot spend public money on private issues. Mr. Brueggemann spoke on the issue, describing the tributary issues, and said the simplest idea is cooperation between the homeowners to redirect the water.

Mr. Theissen added that if there was a swale the adjacent property owner has no right to make it stay, and property owners can do whatever they want on their property. He said the design itself is not defective, and there was a plan for storm water, though it may not have been as deep as it needed to be. Mr. Theissen added that all of this is private and the City has no structures or role in the design and building. He said the City cannot spend taxpayer dollars on this issue.

There was discussion about the current construction on Redwood and storm water inlets added, so a tie-in may help this issue. Councilman Wessels asked if there was any way the four property owners could get together to address this problem and added that it may take Mr. Gruner stepping into a leadership role to coordinate. There was also discussion about the pool currently under construction and Mr. Theissen advised Mr. Gruner to contact PDS to raise objection to the final pool permit.

Mayor Hatter closed the matter by telling residents that the City is willing to listen to any problems residents are having. He said the City can assist with investigating to get residents to the right place for assistance.

There were no citizen comments or guests.

APPROVAL OF COUNCIL MINUTES

Councilman Wessels made a motion to approve the minutes of the City Caucus Meeting held on Wednesday, July 21, 2021. Councilman Abeln made a second. Ms. Russell called roll.

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

MOTION CARRIED

Ms. Bailey said there are additional Meeting minutes that need to be approved, but they will be on the September Council Meeting agenda.

UNFINISHED BUSINESS

5-Year Road Plan Review & Discussion – CT Consultants – Mayor Hatter gave information on this project, saying the City uses a rolling five-year road plan with established criteria to determine which roads in the City will be reconstructed or resurfaced. He said he is very proud of the City's spending on roads, having invested over \$8 million of tax dollars into streets. Mayor Hatter added that CT Consultants is at this meeting to review the proposed plan and be sure it is in line with Council objectives.

Mr. Hellmann said this is an update to the 2018 street plan, and all plans are reevaluated at their midpoint. He explained the standardized formula for asphalt and concrete street evaluation and all results are based on the actual condition of the street and engineering expertise. Mr. Hellmann presented the results to Council showing each street and their rating, along with color-coded spreadsheets. Mr. Brueggemann added that comparing this evaluation to the one completed in 1992 shows much more red from 1992, meaning the City has done a lot to improve the quality of its streets, as there are now very few streets in the red category. Mayor Hatter added that the City's goal is to get 20 years out of each street.

Mr. Hellmann presented a historical map, showing all streets in the City that have been improved. He said almost every street in the City has been touched in the last 20 years. Mayor Hatter asked how the City of Fort Wright stacks up against other local cities in their road improvements. Mr. Brueggemann said Fort Wright has made a commitment to provide high level investment in infrastructure. Councilman

Wessels added that some local cities have special road taxes or assessments, so they are repeatedly asking residents for money for roads.

Councilman Wessels asked about doing half reconstruction and half resurfacing to be sure to maintain quality contractors and their interest in working with the City. Mr. Brueggemann said historically the City of Fort Wright has done reconstruction one year and resurfacing the next to get the most out of money being spent. He said it has been rare to split the two types of projects within the same year, and they aim to do as much of a neighborhood as possible at once to avoid coming back multiple years in a row.

Mr. Brueggemann said their recommendation is doing the full one-year alternating plan. He said this reduces administrative costs to only administer one contract versus two. Councilman Wessels asked if they consider what other cities are doing because of competition for contractors and Mr. Brueggemann said they do not as they are focusing on what is best for the City they are working with. He added that the recommendation for this plan is to start with resurfacing because there are several streets in the middle category and those should be resurfaced because delaying would move them to needing replacement. He said he is not concerned with receiving bids and Fort Wright has been fortunate with good contractors submitting bids. Mr. Brueggemann said the goal is to follow the five-year plan closely, but to be nimble and pivot when necessary.

Councilman Wessels said subdivision approvals in Kenton County have skyrocketed and that means a lot of street paving. Mr. Brueggemann acknowledged that and said that may get worse with stimulus money becoming available. He added that Fort Wright has a history of paying promptly and getting projects out to bid early. He said this may be a year when the City needs to move up from the normal February or March bidding to take that into consideration.

There was discussion about the use of ARPA [American Rescue Plan Act] funding for street improvements. Ms. Bailey advised that there is a calculation the City needs to use to determine if there is a loss that could allow for some funding to move to the street program. She said the City will know after December 31st if there was any loss in 2021 that could use this funding. Councilman Wessels added that the Finance Committee has asked Ms. Bailey and Ben Harrison, the City's contract accountant, to provide recommendations for approved uses.

Mr. Hellmann discussed the streets that are in the proposed five-year plan. Mr. Brueggemann added that Fort Henry is split over two years because of the high cost for replacement and its length. He suggested potentially skipping work in 2023 to move that money to 2024 and do both sections of Fort Henry at one time.

Brent Spence Bridge Update – Councilman Weber asked if Mr. Brueggemann had any success in obtaining additional maps or plans for the Interstate 71/75 reconstruction that would come from the Brent Spence Bridge. He said he has not gotten anything additional and the Kentucky Transportation Cabinet [KTC] has said the only exhibit they have is what is on their website. He recommended the City ask for a representative from KTC to attend a Council Meeting to communicate the current proposal. Councilman Weber asked Ms. Bailey to invite representatives from Fort Mitchell to attend if KTC does come to a meeting.

There was further discussion about the existing plans, with Mr. Brueggemann giving his interpretation of the plan. Discussion included safety issues, including how the Fire or Police departments would respond to issues on the interstate. Each Chief expressed that they would coordinate with neighboring departments and Kenton County Dispatch to address those concerns.

NEW BUSINESS

Councilman Weber made a motion to amend the agenda to include a vote for three Resolutions related to the CDBG program and to approve the Street Program. 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

Municipal Order 02-2021 re: Disposal of Surplus Property – Mr. Theissen read Municipal Order 02-2021, an Order declaring surplus property and authorizing disposal of such property by destruction and/or recycling. Councilman Weber made a motion to approve Municipal Order 02-2021. 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

Chief Butler provided clarification on the selling of ammunition, saying it can be done using GovDeals or through a Federal Firearms Licensed dealer. There was discussion on selling ammunition to employees or to another city, or to accept sealed bids for the ammunition as well. Council decided to proceed with GovDeals.

Resolution 09-2021 – Mr. Theissen read Resolution 09-2021, a Resolution authorizing and approving certain actions in connection with the Community Development Block Grant Coronavirus (CDBG-CV) Utility Relief Program. Councilman Feinauer made a motion to approve the Resolution. 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

Resolution 10-2021 – Mr. Theissen read Resolution 10-2021, a Resolution of the City of Fort Wright, Kentucky, to implement several HUD/CDBG program requirements to further community and economic development, especially related to economic development. Mr. Theissen elaborated, saying this Resolution appoints Ms. Bailey as the Title VI Coordinator and appointing Mr. Bethell, Chief Butler, and Chief Schewe to the Title VI Committee and Section 504 Committee, as well as authorizing the Mayor to sign the Title VI Statement of Assurances.

Councilman Weber made a motion to approve Resolution 10-2021. Councilman Feinauer 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

Resolution 11-2021 – Mr. Theissen read Resolution 11-2021, a Resolution stating that the City of Fort Wright, Kentucky, implements programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin, and will assist all persons who feel they have been discriminated against because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability or familial status to seek equity under Federal and state laws by filing a compliant with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

Councilwoman Witt made a motion to approve Resolution 11-2021. Councilman Feinauer 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

Ms. Bailey explained the Ordinances available for first reading and Executive Orders available for voting. She said they are housekeeping items, taking care of items agreed upon by Council previously, including establishing meeting times and places for the Finance and Community Improvement Committee, confirming Councilmembers to those committees, establishing personnel pay classifications and pay ranges, and cleaning up codified language related to Police Department positions.

A motion was made by Councilman Abeln to amend the agenda to include Executive Orders 06-2021 and 07-2021, along with Ordinances 08-2021, 09-2021, and 10-2021. 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 08-2021 – Mr. Theissen completed a first reading of Ordinance 08-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Ordinance 1-05 codified as Section 32.21 of the Fort Wright Code of Ordinances, relating to the City's committees and their meetings. Councilman Weber made a motion to approve the first reading of Ordinance 08-2021. 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

Executive Order 06-2021 – Mr. Theissen read Executive Order 06-2021, an Executive Order of the Mayor of the City of Fort Wright in Kenton County, Kentucky, appointing Council Members Scott Wall, Adam Feinauer, and Margie Witt to the Community Improvements Committee of the City of Fort Wright. Councilman Wessels made a motion to approve Executive Order 06-2021. 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

Executive Order 07-2021 – Mr. Theissen read Executive Order 07-2021, an Executive Order of the Mayor of the City of Fort Wright in Kenton County, Kentucky, appointing Council Members Bernie Wessels and Jay Weber to the Finance Committee of the City of Fort Wright. Councilman Abeln made a motion to approve Executive Order 07-2021. 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

Ordinance 09-2021 – Mr. Theissen completed a first reading of Ordinance 09-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing non-elected offices of the City, and a plan of personnel classification and organization. Councilman Wall made a motion to approve the first reading of Ordinance 09-2021. Councilman Feinauer 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 10-2021 – Mr. Theissen completed a first reading of Ordinance 10-2021, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Title II, Chapter 35, Section 35.11 of the City of Fort Wright Code of Ordinances relating to the Police Department to delete reference to “Pay Levels”. Councilman Weber made a motion to approve the first reading of Ordinance 10-2021. 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

2021 Street Plan – Councilman Wessels made a motion to approve the Street Plan as presented this evening. 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

DEPARTMENT REPORTS

Administration/Finance – Ms. Russell reported that the food truck events will wrap up this month and the dulcimer group will attend two of those evenings.

Fire/ALS Department – Chief Schewe announced that the painting and floor refinishing work is completed in the fire bay. He also said the inspection on the EMS service and ambulances was successful and the Department is good for another year.

Public Works – Mr. Bethell said the work on Redwood Drive and Birchwood Drive is moving along well. He said the pier wall work on Fort Henry is moving smoothly as well, with working beginning on the storm sewer. Mr. Bethell said Amsterdam Road is closed intermittently for work on the railroad trestle, but should reopen completely by Thursday, August 12th.

Mr. Bethell announced that the department's new plow/dump truck was delivered last week, which will replace the 1992 International dump truck.

There was discussion about the curbs on Fort Henry and how the curb height could help with water runoff. Mr. Bethell said he would investigate temporary solutions that would not cause additional problems for those living below that road.

Legal Counsel – No report.

CAO REPORT

Ms. Bailey said there were some issues with the car wash at 3388 Madison Avenue, but those have been resolved and she believes permits will be issued soon. She said St. Agnes has applied for a temporary liquor license for an upcoming event. She also announced that the ribbon cutting for First National Bank was held and they are now open for business, and Mike's Car Wash will be doing a fundraiser for the CHNK Behavioral Health in September.

Ms. Bailey addressed the James A. Ramage Civil War Museum's upcoming Battery Hooper Days event, saying she wants to be sure Council is on the same page and approves the event. She said it is a two-day event, to be held on August 21st from 12pm to 5pm and August 22nd from 12pm to 4pm. She discussed the activities they plan to hold during the weekend and said their parking plans are for City Hall and the South Hills Civic Club, and along the grass in Battery Hooper Park if the weather conditions are good. Ms.

Bailey said the Museum Board has also requested that the Public Works Department provide general Park clean-up, that the City facilitate port-o-let delivery, and for general promotion of the event.

There was discussion about access for safety equipment at the Park if cars are parked along the driveway, and general ingress and egress because of the one-lane entry and exit onto a high-volume road. Chief Butler suggested the Museum Board hire a flagger to assist with entry and exit for maximum safety and said that hiring a Fort Wright Police Officer to work overtime to direct traffic would cost \$67 per hour.

After further discussion of parking options including reading of existing Ordinances related to parking at City parks, a motion was made by Councilman Wessels to approve the event as Jill stated with the exception of no general parking on the driveway of the Park grounds with the exception of allowing vendors to drop off equipment necessary for the event. Councilman Weber 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

Finance Committee - Chair Councilman Wessels advised there were updates to investment accounts in the Council packets. He also said the Finance Committee has authorized Ms. Bailey to reach out to RedTree to review another possible \$2 million in investments.

Councilman Wessels said a wrecked police cruiser was caused by an uninsured motorist so the Police Department budget will be updated during the budget amendment process to account for those funds.

Ms. Bailey said NKADD has sent over the property tax rate information and there will need to be a discussion on increasing or decreasing property taxes this year. Councilman Weber said the spreadsheet for calculations is complete and a workbook is being created to instruct on how to use it.

SPECIAL ANNOUNCEMENTS

Mayor Hatter read letters received from residents, including those thanking Officer Brad Keller and Specialist Dan Hampton, a Thank You card from Frank Henn, Jr., for the flowers sent when his father died, and a resident thanking the City for the Christmas in July event with Santa and Mrs. Claus.

COUNCIL COMMENTS

There were not Council comments.

EXECUTIVE SESSION

There was no need for an Executive Session.

ADJOURNMENT OF THE COUNCIL MEETING

Councilwoman Witt 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 9:00 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell
City Clerk