



# City of Fort Wright

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## City of Fort Wright Council Meeting Wednesday, September 6, 2023 – 6:00 PM

### CALL TO ORDER

The Council Meeting was called to order at 6:02 PM by Mayor Dave Hatter following the close of the Public Hearing.

### CITIZEN COMMENTS/GUESTS

Tim Siegrist, 1309 East Henry Clay Avenue – Mr. Siegrist requested Council again to begin planning how increased traffic volumes on East Henry Clay Avenue will be addressed once construction begins on the Brent Spence Bridge Corridor. Mayor Hatter said the City has not been given any timelines regarding construction on the Kyles Lane overpass. He told Mr. Siegrist he understands his concerns and perspective. Councilman Wessels added that any street closure within the City would negatively impact other residents on other streets, causing ramifications for multiple areas. Mr. Siegrist suggested additional police presence or possibly speed humps to slow down or deter traffic.

Ms. Bailey advised the agenda needs to be amended to include an Executive Session under KRS 61.810(1)(b), deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency, and 61.810(1)(c), discussions of proposed or pending litigation against or on behalf of the public agency, and to include a second reading of Ordinance 10-2023 regarding the cable franchise agreement. Councilman Wessels made a motion to amend the agenda. Councilman Abeln made a second. Ms. Russell called the roll.

Councilman Abeln	Yes	
Councilman Collins	Yes	
Councilman Wall	Yes	
Councilman Weber	Yes	
Councilman Wessels	Yes	MOTION CARRIED

### APPROVAL OF COUNCIL MINUTES

Councilman Wessels made a motion to approve the minutes of the Council Meeting held on Wednesday, August 2, 2023. Councilman Collins made a second. Ms. Russell called the roll.

Councilman Abeln	Yes	
Councilman Collins	Yes	
Councilman Wall	Yes	
Councilman Weber	Abstain	
Councilman Wessels	Yes	MOTION CARRIED

Councilman Weber made a motion to approve the minutes of the Caucus Meeting held on Wednesday, August 16, 2023. Councilman Wall made a second. Ms. Russell called the roll.

Councilman Abeln	Abstain
Councilman Collins	Yes
Councilman Wall	Yes

Councilman Weber	Yes	
Councilman Wessels	Abstain	MOTION CARRIED

Mayor Hatter requested to amend the agenda to include the first reading of Ordinance 11-2023 regarding property tax rates for the 2023-2024 fiscal year. Councilman Weber made the motion. Councilman Wall made a second. Ms. Russell called the roll.

Councilman Abeln	Yes	
Councilman Collins	Yes	
Councilman Wall	Yes	
Councilman Weber	Yes	
Councilman Wessels	Yes	MOTION CARRIED

### **UNFINISHED BUSINESS**

**2<sup>nd</sup> Reading of Ordinance 09-2023 – Issuing a Duke Energy Franchise** – Mr. Theissen completed the second reading of Ordinance 09-2023, an Ordinance of the City of Fort Wright in Kenton County, Kentucky establishing a non-exclusive franchise for the use of the public streets, alleys and other public grounds of the City of the transmission and distribution of both natural gas and electricity through and for consumption within the City; and providing the terms thereof.

Councilman Wessels made a motion to approve Ordinance 09-2023. Councilman Collins made a second. Ms. Russell called the roll.

Councilman Abeln	Yes	
Councilman Collins	Yes	
Councilman Wall	Yes	
Councilman Weber	Yes	
Councilman Wessels	Yes	MOTION CARRIED

**2<sup>nd</sup> Reading of Ordinance 10-2023 – Spectrum Cable Franchise Agreement** – Mr. Theissen completed the second reading of Ordinance 10-2023, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, granting and issuing a competitive, non-exclusive franchise for a combined term of ten (10) years to, and authorizing the execution of a franchise agreement with, Spectrum Mid-America, LLC, an affiliate of Charter Communications Inc., and its permitted successors and assigns, said franchise providing for: the construction, erection, installation, upgrade, repair, maintenance, and operation of a cable television system for the provision of cable television services within the confines of the City of Fort Wright; retention of police powers and sovereign immunity; a \$300,000 performance bond to ensure franchise compliance; indemnification by franchisee including adequate insurance coverage; construction and technical standards; compliance with FCC technical & customer service standards; conditions of street occupancy; public, educational & government access channels; payment of franchise fees & offset; council approval required for transfer of control or assignment of franchise; right to audit records; default, revocation & termination of franchise procedures.

Councilman Weber made a motion to approve Ordinance 10-2023. Councilman Wessels made a second. Ms. Russell called the roll.

Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes

Councilman Weber Yes  
Councilman Wessels Yes

MOTION CARRIED

## NEW BUSINESS

**St. Agnes Request for Event Assistance & Equipment** – Mayor Hatter advised the City has provided Police and Public Works services in the past for St. Agnes events, especially around rush hour times, and this is coming before Council for approval to continue providing these services. Ms. Bailey said there have been no complaints or issues with the services provided, but this is a donation of City staff time and equipment.

Councilman Abeln made a motion to approve the event assistance requested by St. Agnes Church for their upcoming Oktoberfest. Councilman Wall made a second. Ms. Russell called the roll.

Councilman Abeln Yes  
Councilman Collins Abstain  
Councilman Wall Yes  
Councilman Weber Yes  
Councilman Wessels Yes

MOTION CARRIED

**Public Works Vehicle Replacement** – Mr. Bethell advised he has completed the additional research and bid requests needed for the vehicle replacement previously authorized by Council in May 2023. He said the updated quote for replacing four trucks is \$381,135, which includes two 2024 Chevrolet 2500HD, one 2024 Chevrolet 3500HD, and one 2025 Freightliner M2-106, and includes additional equipment such as snowplows, dump beds, decals, and additional lighting.

Ms. Bailey said the intention is to use ARPA funding to address this critical equipment need for the Public Works Department. Mr. Bethell said the ages of the current vehicles range between 2006 and 2015.

Councilman Wall made a motion to approve the purchase of four trucks from the state contract bids. Councilman Weber made a second. Ms. Russell called the roll.

Councilman Abeln Yes  
Councilman Collins Yes  
Councilman Wall Yes  
Councilman Weber Yes  
Councilman Wessels Yes

MOTION CARRIED

**George Huser Sidewalk Reconstruction Project** – Mayor Hatter said there are major safety concerns with the sidewalk and roadway on George Huser Drive because of water runoff coming from Tower Hill Plaza and the City Engineer has provided plans to permanently address these issues.

Mr. Bethell added that the engineer provided an option, as requested by Council, to move the sidewalk to the other side of the street and widen the runoff channel. He said that quote was \$208,020 and the original plan is \$125,160.

Councilman Weber made a motion to approve the originally quoted project with a cost of \$125,160. Councilman Wessels made a second. Ms. Russell called the roll.

Councilman Abeln Yes  
Councilman Collins Yes  
Councilman Wall Yes  
Councilman Weber Yes  
Councilman Wessels Yes

MOTION CARRIED

Ms. Bailey added that both the George Huser Drive project and the purchase of the Public Works vehicles would be included in the budget amendment that will be presented in May 2024, as the funding is available but will need to be appropriated correctly.

**Property Tax Rate for Fiscal Year 2023-2024** – Mayor Hatter said that the Finance Committee has met and will be providing recommendations for property tax rates. He first provided some background on the process, saying they review audited and projected expenses and revenue and try to map out a ten-year plan to ensure the City remains in a good financial position. He reviewed the spreadsheets that the Finance Committee uses for projections. Mayor Hatter also commented on the growth the City continues to have with businesses moving into the City and new construction projects, as well as the increase in base property values, which is currently at \$632 million in value.

Mayor Hatter reviewed the compensating rates in comparison to maintaining the rates and said the Finance Committee recommends leaving the real property tax rate at the same level as last year, 0.248 per \$100.

Mayor Hatter then discussed the tangible property taxes, comparing last year's revenue to the compensating rates available and said the proposal is to use the compensating rate, which would be 0.446 per \$100, to earn an additional \$6,400 in revenue.

Mr. Theissen completed a first reading of Ordinance 11-2023, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing the tax rate for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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.

Councilman Weber made a motion to approve the first reading of Ordinance 11-2023. Councilman Wessels made a second. Ms. Russell called the roll.

Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes
Councilman Weber	Yes
Councilman Wessels	Yes

MOTION CARRIED

## **COMMITTEE REPORTS**

**Finance Committee** – No report.

**Community Improvement Committee** – No report.

## **CAO REPORT**

Ms. Bailey advised two conditional offers of employment have been offered, one to a Police Officer and one to a part-time Firefighter/EMT. She said they are both working through pre-employment testing.

Ms. Bailey provided an update on the telephone system conversion, saying they anticipate having it online by the end of October. She advised Council that their voicemail boxes will not be an option in the new system.

Mayor Hatter discussed the need for a police training facility in Northern Kentucky, which would eliminate some of the issues in hiring qualified officers, including the amount of money cities are spending prior to and during academy trainings, saying it could take as long as a year and a half to get a qualified officer onto the streets once hired. He encouraged residents to reach out to their state representative and senator to encourage changes to the system, saying it is getting harder to recruit and retain officers.

## **DEPARTMENT REPORTS**

**Administration** – Ms. Russell thanked Ms. Bailey, Mayor Hatter, and Council for their support as she begins her Leadership Northern Kentucky sessions.

**Finance** – Ms. Perry discussed occupational licensing research that she is planning in the coming weeks.

Councilman Wessels asked Ms. Bailey to provide a policy to the Finance Committee on how delinquent taxes are accounted for and written-off.

**Public Works Department** – Mr. Bethell said the Fort Henry project is moving along well.

Councilman Wessels asked Mr. Bethell to review projected crack sealing expenses and what might be needed throughout the year.

Mr. Bethell also thanked Council for their approval of the purchase of the department vehicles.

**Police Department** – Chief Butler said the department will be training on the new AED devices tomorrow with the Fire Department and then the devices will be in cruisers. He also reminded residents that the Shred Day event will be on September 23<sup>rd</sup> from 9:00 to 12:00pm.

Mayor Hatter commended Council for making the investment to include AEDs in police cruisers.

**Fire/ALS Department** – Chief Schewe advised the Hero Night Festival will be on Tuesday, October 3<sup>rd</sup>, at the DCCCH Center for Children & Families fairgrounds in Fort Mitchell. He said there are several departments participating and the firefighters look forward to this event.

Chief Schewe thanked Gary Holland and the One Holland Group for allowing them to use the old SubStation II building to do search and rescue and tactical training prior to the building's demolition.

Ms. Bailey advised the Hoxworth Blood Drive scheduled for September 13<sup>th</sup> has been cancelled and there are hopes to reschedule soon.

**Legal Counsel** – Mr. Theissen confirmed Council does not want to move forward with lowering the motor vehicle tax to 0.00 to avoid potential legal issues.

## **SPECIAL ANNOUNCEMENTS**

**Employee Recognitions/Special Thank You's** – There were no employee recognitions or special thank you's.

## **COUNCIL COMMENTS**

There were no Council Comments

## **EXECUTIVE SESSION**

Councilman Wall made a motion to adjourn to Executive Session under KRS 61.810 (1)(b), deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency, and KRS 61.810 (1)(c), discussions of proposed or pending litigation against or on behalf of the public agency. Councilman Weber made a second. Ms. Russell called the roll.

Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

**MOTION CARRIED**

The Council Meeting adjourned to Executive Session at 7:29 PM.

The Council Meeting was reopened to the public at 8:20 PM.

Councilman Weber made a motion to authorize Mayor Hatter to execute the proposed contracts to acquire the Lookout Heights Civic Center, with discretion to approve minor revisions, and to execute all future documents necessary in accordance with the closing and transfer of the property to the City of Fort Wright pursuant to the contract negotiated. Councilman Collins made a second. Ms. Bailey called the roll.

Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

Councilman Abeln made a motion to authorize Mayor Hatter to execute the proposed contracts to acquire the Fort Wright Civic Club, with discretion to approve minor revisions, and to execute all future documents necessary in accordance with the closing and transfer of the property to the City of Fort Wright pursuant to the contract negotiated. Councilman Wall made a second. Ms. Bailey called the roll.

Councilman Abeln	Yes
Councilman Collins	Yes
Councilman Wall	Yes
Councilman Wessels	Yes
Councilwoman Witt	Yes

MOTION CARRIED

#### **ADJOURNMENT OF THE COUNCIL MEETING**

Councilman Abeln made a motion to adjourn the Council Meeting. Councilman Weber made a second. Ms. Bailey called the roll; all voted in favor.

The Council Meeting adjourned at 8:30 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell, City Clerk