



# City of Fort Wright

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## City of Fort Wright Council Meeting Wednesday, September 7, 2022 – 6:00 PM

### CALL TO ORDER

The Council Meeting was called to order at 6:08 PM by Mayor Dave Hatter following the close of the Public Hearing.

### CITIZEN COMMENTS/GUESTS

Debbie Brooks, 1574 St. Anthony Circle – Ms. Brooks requested assistance with a car blocking a drain on St. Anthony Circle. Chief Butler advised he would check it out. She also asked for the “No Outlet” signs to be put back up, which Mr. Bethell said he would address.

**Shane Harkins (Public Works Laborer)** – Shane Harkins introduced himself and thanked Mayor Hatter and Council for the opportunity to join the Public Works Department. He said he grew up in Ohio and currently lives in Covington and has one son joining the military in January. Ms. Bailey and Mayor Hatter thanked Mr. Harkins for coming to meet Council and said they were happy to have him on the team.

### APPROVAL OF COUNCIL MINUTES

Councilman Feinauer made a motion to approve the minutes of the Council Meeting held on Wednesday, August 3, 2022. Councilman Wall made a second. Ms. Russell called roll.

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

Councilman Wessels made a motion to approve the minutes of the Caucus Meeting held on Wednesday, August 17, 2022. Councilman Weber made a second. Ms. Russell called roll.

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

### UNFINISHED BUSINESS

**Nature Park Easements (Berling & Schroder)** – Mr. Theissen said there are two parcels at the Nature Center that make access to the park easier. He said one parcel is approximately two acres and owned by James Berling and the other is owned by Roger Schroder. Mr. Theissen said there has been an easement on Mr. Schroder’s

property for years and Mr. Schroder wishes to continue that arrangement, with the City compensating him the amount of city and county taxes paid. Mr. Berling made an offer to sell his parcel to the City for \$5,000.

Mayor Hatter emphasized the importance of these two properties, saying they allow Public Works and emergency vehicles to access the lake, dam, and trails.

Councilman Abeln requested clarification on the tax payments. Mr. Theissen advised this is a City deal and the City will pay the Kenton County taxes for the property. Councilman Wessels suggested reaching out to Kenton County for a waiver or discount as the property is used for public benefit.

Councilman Wessels made a motion to authorize Mayor Hatter to sign the deed and enter into a purchasing agreement with James Berling for \$5,000 [for 1864 Highland Pike, PIDN: 042-10-00-031.00]. 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	MOTION CARRIED

Councilman Feinauer made a motion to authorize Mayor Hatter to sign the easement for the Schroder property [approximately 1867 Highland Pike, PIDN: 042-10-00-015.00]. 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	MOTION CARRIED

## **NEW BUSINESS**

**1<sup>st</sup> Reading Ord 07-2022 – amending the COFW Nuisance Code** – Mr. Theissen completed the first reading of Ordinance 07-2022, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending various sections of Title IX, Chapter 92 of the City of Fort Wright Code of Ordinances entitles “Nuisances” to eliminate the City Nuisance Board, implement nuisance enforcement through the Kenton County Joint Code Enforcement Board, and other amendments relating to nuisances.

Mr. Theissen said this update came through a comprehensive review of the City’s ordinances with the Community Improvement Committee, including implementing the Joint Code Enforcement Board as an avenue for residents to appeal if they do not agree with a City-issued citation. Mayor Hatter thanked the Community Improvement Committee and Ms. Bailey and Mr. Theissen for their hard work in improving these ordinances.

Councilman Feinauer made a motion to approve the first reading of Ordinance 07-2022. 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

MOTION CARRIED

**1<sup>st</sup> Reading Ord 08-2022 – adopting the 2021 Property Maintenance Code** – Mr. Theissen completed the first reading of Ordinance 08-2022, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, amending Section 150.02 of Title XV, Chapter 150 of the City of Fort Wright Code of Ordinances entitled “Adoption of International Property Maintenance Code” to adopt the latest 2021 draft of the Code.

Mr. Theissen said the City has had this maintenance code in force for many years and this Ordinance is updating the use of the Code from the 2009 version to the 2021 version.

Councilman Feinauer made a motion to approve the first reading of Ordinance 08-2022. 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

MOTION CARRIED

**1<sup>st</sup> Reading Ord 09-2022 – closing Old Madison Pike to thru traffic** – Mr. Bethell reminded Council that Old Madison Pike has issues near the railroad bridge, including slides encroaching on the roadway that would cost near \$1 million to repair. He said there were traffic counts conducted recently that showed a very low volume of traffic. Mayor Hatter added that the City generally spends between \$500,000 and \$750,000 per year on the rolling five-year street program, and said he is not sure it makes sense to spend that money on a road that provides little value to the majority of residents.

Ms. Bailey advised they have spoken with the cities of Edgewood and Erlanger and Kenton County, and still need to discuss the closure with the City of Covington. She said they will advise the Kenton County Emergency Communications Center and will add signage to allow for the adjustment of traffic routes.

Mr. Theissen completed a first reading of Ordinance 09-2022, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, adding a schedule to Chapter 74, entitled Traffic Schedules of Title VII, the Traffic Code, of the City of Fort Wright to close off Old Madison Pike from vehicular traffic south of the driveway to 3864 Old Madison Pike, Fort Wright, Kentucky.

Councilman Abeln made a motion to approve the first reading of Ordinance 09-2022. 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

MOTION CARRIED

**NKADD Grant Support Request for Street/Roads Safety Action Plan** – M.s Bailey advised this request came in asking the Mayor to express support for the Northern Kentucky Area Development District's [NKADD] application for US Department of Transportation [DOT] Safe Streets and Roads for All grant assistance.

A motion was made by Councilman Weber to support the signing of the letter by Mayor Hatter. Councilman Feinauer made a second.

There was discussion about what else could be included in the grant request or requirements to fulfill and concern expressed by Council in supporting something they have no information on. Councilman Weber withdrew his motion and asked Ms. Bailey to get more information on the letter and application. Mayor Hatter tabled the request and asked that it be moved to the next agenda for discussion once more information is available.

**Tax Rate Discussions/1<sup>st</sup> Reading Ord 10-2022 – adopting tax rates** – Mayor Hatter said that the Public Hearing was just held as required by law, and real property values in the City of Fort Wright have risen from \$534,172,588 in 2018 to \$605,469,315 in 2022, an average increase of 3.5% each year.

Mayor Hatter said he and the Finance Committee are proposing the real property tax rate move from 0.265 to 0.248, a 6.5% cut, and the personal property tax rate move from 0.409 to 0.380, a 7% reduction.

Mayor Hatter commented on the City's strong financial reserves, saying the City is in the best financial shape ever, with the lowest payroll tax in Kenton County. He commended the work of the Finance Committee, Council, and staff for being good shepherds of the City's finances.

Councilman Wessels thanked Mayor Hatter and staff for their hard work and time put into the tax rate review. He said they will be looking at other reductions as well, including on the insurance premium tax. Councilman Weber agreed with the Mayor's comments as well.

Mayor Hatter said the insurance premium tax will be reviewed, as the process for receiving the funds comes with issues. He also commented that when the City adopted the insurance premium tax, leadership at the time promised to get rid of it once it was no longer needed, just like the vehicle sticker tax and lowering the payroll tax. He also said the City is one of the few remaining who have a vehicle tax through Kenton County, which generates \$100,000 per year, but Council is considering rolling that back as well. Mayor Hatter said he expects to be able to present that information at an upcoming meeting once Mr. Theissen and Ms. Bailey can complete more research.

Mr. Theissen completed a first reading of Ordinance 10-2022, an Ordinance of the City of Fort Wright, in Kenton County, Kentucky, establishing the tax rate for the fiscal year beginning July 1, 2022, and ending June 30, 2023, 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 10-2022. 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

MOTION CARRIED

Mayor Hatter confirmed this would be the lowest tax rate since 2011. He also commented on the deadline and methods for tax payments, saying the City does not want to make it difficult for residents to pay taxes. Ms. Bailey added that the tax payment deadline will be December 30<sup>th</sup> this year because the normal due date of December 31<sup>st</sup> falls on a Saturday. Mayor Hatter said more information would be provided after the second reading of the Ordinance.

**Municipal Order 04-2022 – Disposal of Surplus Property** – Ms. Bailey advised this is the typical Municipal Order for disposing of property the City no longer uses or needs. She said this Order specifically references 12 metal desks and 18 office chairs from the Police Department’s squad room, which is being reconfigured and improved for the officers.

Councilman Abeln made a motion to approve Municipal Order 04-2022, an order declaring surplus property and authorizing disposal of such property by destruction and/or recycling. 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

MOTION CARRIED

## COMMITTEE REPORTS

**Community Improvement Committee – Chair Councilman Feinauer** – Councilman Feinauer said the Committee has wrapped up work on the Nuisance Code and the Property Maintenance Code, which were its biggest projects. Ms. Bailey added that drawings were approved for the gateway signage and should be complete by October 31<sup>st</sup>. She said she is also working on designs for the digital sign in front of the Administration Building. Ms. Bailey advised they have identified all of the benches and trash cans in the City and will have a proposal forthcoming for replacements.

**Finance Committee – Chair Councilman Wessels** – Councilman Wessels had nothing additional to add.

## CAO REPORT

Ms. Bailey advised she is happy to answer questions based on her written report to Council.

## DEPARTMENT REPORTS

**Administration/Finance** – Ms. Russell said there is approximately \$24,000 remaining in unpaid property taxes from 2021 and prior, not including fees and liens. She also advised South Hills Civic Club rentals are going well, as are Passport Acceptance appointments.

Ms. Bailey thanked Ms. Russell and Mr. Theissen for their work on delinquent property tax collection. She also advised Council that Ms. Perry included an updated report for South Hills Civic Club rentals, providing additional information. Ms. Bailey said she still plans to have TBNK [Telecommunications Board of Northern Kentucky] video the rental space for promotion now that renovations are complete. She said the issues with drainage around the building are planned for next year.

**Police Department** – Chief Butler advised Council that he included in his monthly report a proposal for an active shooter readiness kit for Police personnel. He said it is not a situation they ever want to be in but need to be prepared for, so Captain Jonathan Colwell and Sergeants Jason Millay and Robert Griffin researched and put together a plan. Chief Butler said the proposal calls for breaching kits and four ballistic shields for the officers, along with an additional, higher-rated outer vest, all of which give the officers the ability to move as quickly and safely as possible.

Mayor Hatter said he has had discussions with Chief Butler regarding his department's equipment and Council is receptive to their needs. He commended Chief Butler for coming in with a practical plan and said he is amenable to these purchases.

Councilman Wessels asked why only four shields are recommended and Chief Butler said the cost of adding a ballistic shield for each officer adds approximately \$36,000 to the cost. Councilman Wessels suggested purchasing the additional ballistic shields with the surplus funds from CARES and ARPA funding.

There was discussion about other agencies with similar equipment, and Chief Butler said he was not yet aware if any other departments had equipment like this outside of the Kenton County SWAT team. Councilmembers suggested reviewing the proposal to see if there is anything else the Department may need for this plan, including additional ballistic shields.

Councilman Weber made a motion to approve the Police Department purchase four Patriot3 Folding Ballistic Shields, 13 breaching kits with carriers, and 13 AR550 Level III+ Active Shooter Response Vests. 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

MOTION CARRIED

Chief Butler added that safety drill was completed at St. Agnes Elementary this afternoon, with the Diocese of Covington's Safety Officer participating, along with the Airport Police Department Chief, and it went well.

Chief Butler ended by saying Officer Brad Keller is now on light duty while he recovers from shoulder surgery.

**Fire/ALS Department** – Chief Schewe provided an update on the home on Amsterdam Road that burned a couple months ago, saying the interior has been stripped and the leasing company is selling it at auction.

Chief Schewe announced the Hero Night Festival is returning on October 4<sup>th</sup> to the DCCH Center in Fort Mitchell. He said the Fire and Police departments are participating with other local first responder agencies. He also

announced the shred event will be held on Saturday, September 24<sup>th</sup> at the City Administration Building, in conjunction with Rudler CPAs. Mayor Hatter thanked Rudler for their continued support of this event.

Chief Schewe closed by saying fire hydrant painting will continue into November and the Fire Department has one full-time employee out because of elbow surgery and another going out in November for shoulder surgery.

**Public Works Department** – Mr. Bethell said bushhogging of rights-of-way has been completed. He announced the start of the repaving project by Michels, with work beginning on curb replacements and full-depth repairs. Mr. Bethell said that Mr. Harkins' hiring has allowed the department to get caught up on mowing and they will begin hot patching soon. He also announced that the fence installation at Battery Hooper Park is now complete.

**Legal Counsel** – Mr. Theissen said that the City is trying to progress with action at 426 Morris Road, however the owners are deceased, so the code enforcement issues are slowly working through the legal system. Mayor Hatter added that the City is aware of a few problem properties and does fine when appropriate, but the new Nuisance Ordinance should help with leverage. He did ask residents to let City officials know of any problem properties but warned that the system is slow.

## **SPECIAL ANNOUNCEMENTS**

**Employee Recognitions/Special Thank You's** – Mayor Hatter reminded residents of the Community Yard Sale on September 9<sup>th</sup> and 10<sup>th</sup>. He also reminded residents of the vacation check program offered by the Police Department.

Mayor Hatter advised residents to not leave valuables in their car, especially in plain sight, and to lock their cars. He also said that any suspicious behavior should be reported immediately to 911 so the Police Department can respond and check it out.

Mayor Hatter also advised residents that the St. Agnes Oktoberfest festival will be held September 23<sup>rd</sup> – 25<sup>th</sup>, so expect traffic delays on Dixie Highway at Sleepy Hollow Road.

## **COUNCIL COMMENTS**

There were no Council Comments.

Mayor Hatter added that discussion continues with the City, city of Covington, and the Cincinnati Off-Road Alliance [CORA] regarding a land swap for additional bike trails at Devou Park. Mayor Hatter said he was approached by CORA to see if they could move forward with trail building prior to the completion of the land swap. He said his position when he communicates with the organization will be that the City is unwilling to spend money on legal work while the land swap is pending.

## **EXECUTIVE SESSION**

There was no need for an Executive Session.

## ADJOURNMENT OF THE COUNCIL MEETING

Councilman Wessels made a motion to adjourn the Council Meeting. 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

MOTION CARRIED

The Council Meeting adjourned at 7:45 PM.

Respectfully submitted,

Dave Hatter, Mayor

Attest:



Maura Russell  
City Clerk