

**MINUTES OF A MEETING  
OF THE BOARD OF COUNCIL OF THE  
CITY OF FORT THOMAS,  
CAMPBELL COUNTY, KENTUCKY, ON  
MONDAY, AUGUST 17, 2015**

Mayor Eric Haas called the meeting of council to order at 7:00 p.m. on Monday, August 17, 2015 in the Council Chambers of the city building. City Clerk, Melissa Kelly, called the roll and the following Council members were present: John Muller, Ken Bowman, Lisa Kelly, Jeff Bezold, Roger Peterman and Adam Meier. Staff members in attendance included: City Administrative Officer Don Martin, City Clerk Melissa Kelly, Finance Director Joe Ewald, Fire Chief Mark Bailey, Police Chief Mike Daly, and City Attorney Jann Seidenfaden.

Mayor Eric Haas led the Pledge of Allegiance to the flag.

**Minutes**

The minutes from the June 15, 2015 meeting were presented to council for consideration. A motion was made by Mr. Bowman and seconded by Ms. Kelly to approve the minutes as written. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Visitors and Communications**

**Kasey Carr Badge Pinning:** Chief Mark Bailey presented Kasey Carr with his lieutenant’s badge and congratulated him on his promotion. Kasey introduced his family and thanked the Mayor and Council.

**4<sup>th</sup> of July Trophy Presentation:** Mayor Haas presented the winners of the parade their trophies. The winners were as follows:

**Most Entertaining**

- 1) HHS Dance Team
- 2) Fort Thomas Jr. Football League
- 3) Christ Church United Church of Christ

**Most Original**

- 1) Tower Place
- 2) Highland United Methodist
- 3) HHS Robotics Team

**Farewell Proclamation for Don Martin:** Mayor Haas presented Don Martin with a proclamation and congratulated him on his retirement.

Mr. Louis Hlebiczki of 2516 Memorial Parkway addressed council. Mr. Hlebiczki was concerned about how many deer we have in Fort Thomas. He noted that he sees them out walking during daylight hours.

### **Reports of Officers**

**Fire Department Monthly Report: Chief Mark Bailey:** Chief Mark Bailey presented the monthly report for the fire department to council. A motion was made by Mr. Bowman and seconded by Ms. Kelly to receive and file the monthly report from the fire department. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Police Department Monthly Report: Chief Mike Daly:** Chief Mike Daly presented the monthly report for the police department to council. A motion was made by Mr. Bowman and seconded by Ms. Kelly to receive and file the monthly report from the police department. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman and Mr. Meier. Voting “no”: none. The motion passed by a unanimous vote.

**City Administrator’s Report: Don Martin:** Don Martin reported on the following:

**Tower Hill Road Slippage:** Recent rains have caused a portion of Tower Hill Road to slip. Because of this, the city had to take action quickly and was not able to go through the regular bid process. Mayor Haas issued an emergency declaration allowing the city to contract for repairs immediately. Scherzinger has been awarded a contract to install 12 reinforced piers and 22 plug shafts. The lump size contract is \$51,160. Work is expected to begin on August 24<sup>th</sup> and Tower Hill Road will be shut down to thru traffic for approximately a week.

**Sign Ordinance:** The request to review the sign ordinance as a result of the Supreme Court’s ruling has been referred to Planning Commission. After thorough review of the issue, the Planning Commission will make a recommendation to council.

**Franklin Avenue Storm Water Issue:** The installation of the drainage swale was completed approximately 3 weeks ago. During this three week period several substantial rain events have occurred. The swale is working to divert the water from the yard, driveway and road as designed.

**Targeted Tax Incentives:** The Northern Kentucky Area Development District is working on the necessary documents for this program. They have completed a draft ordinance and are working on the program narrative and applications. Once the draft documents are completed, they will be forwarded to the city attorney for review, and then presented to the appropriate committee of council for review and recommendation.

**New City Website:** Substantial progress has been made on the new website. With a few more tweaks and additional information from various departments, the website could be operating by the end of August. Staff is impressed with the work and speed with which NKU has been able to complete this project.

### **New Business**

**Consideration of the FOP Working Agreement:** Negotiations have concluded with FOP (Police Officers). The negotiations were professional and their requests were not unreasonable. The changes to the contract are as follows:

- The Agreement is a two-year agreement.
- A 2% increase to the base rate of pay for FY 15/16.
- A 2% increase to the base rate of pay for FY 16/17.
- A provision allowing employees to donate either sick hours or vacation hours to the Sick Leave Bank. Currently, they can donate only sick hours. Because the Sick Leave Bank is managed by the employees and the city does not contribute to it, this revision does not affect the city.
- Change the language regarding the transfer of their service weapon at the time of retirement to comply with recently-revised State Statute. Previously cities were permitted to donate the service weapon upon retirement of an employee. State Statute now requires that the retiring employee purchase the service weapon at fair market value.
- Amend Longevity Pay by adding a fourth tier for employees with more than twenty years of service. This is a result of changes to the retirement system requiring police to work 25 years rather than 20 before full retirement. And, adjust each of the steps by 2%.
- Amend the Physical Fitness Incentive to \$0.14 per hour and provide an additional 8 hours of vacation time to employees who pass the "Police Officers Professional Standards physical fitness test". The 8 hours of vacation time can only be taken at times when no overtime is created as a result.

A motion was made by Mr. Peterman and seconded by Mr. Bowman to approve the 2015-2017 FOP Working Agreement and allowing the Mayor to enter into said agreement. Upon call of the roll, the following members voted "aye": Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting "no": none. The motion passed by a unanimous vote.

**Consideration of IAFF Working Agreement:** Negotiations have concluded with IAFF Local 1928 (Firefighters). The negotiations were professional and their requests were not unreasonable. The resultant changes to the contract are as follows:

- The Agreement is a two-year agreement.
- A 2% increase to the base rate of pay for FY 15/16.
- A 2% increase to the base rate of pay for FY 16/17.
- Amend Longevity Pay by adding a fourth tier for employees with more than twenty years of service. This is a result of changes to the retirement system requiring

firefighters to work 25 years rather than 20 before full retirement. And, adjust each of the steps by 2%.

- Amend the Educational Incentive by changing maximum tuition reimbursement of \$1,850 to an amount equal to two classes at the in-state tuition rate at NKU; and provide that employees be reimbursed up to this amount at 100% for an A, 90% for a B, and 80% for a C. Currently, the employees are reimbursed up to \$1,850 for any passing grade. NKU's current tuition rate for two three-hour classes is \$2,118.
- Amend the Promotional process by defining the number of test questions and required reading material for firefighters interested in being considered for promotion to either Lieutenant or Captain, and conduct interviews with Chief, CAO and Mayor.
- Clarify the Pre-Employment Recommendation process to allow the Union to make a recommendation each time a vacancy exists and not only at the creation of the eligibility list.

A motion was made by Mr. Peterman and seconded by Mr. Meier to approve the 2015-2017 IAFF Working Agreement and allowing the Mayor to enter into said agreement. Upon call of the roll, the following members voted "aye": Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting "no": none. The motion passed by a unanimous vote.

#### **Consideration of an Amendment to the AFSCME Working Agreement:**

Because the "Equity Clause" contained in the AFSCME Working Agreement stipulates that adjustments to either the Police or Fire working agreements relating to Longevity Pay shall also be applied to employees who are members of AFSCME. The AFSCME Working Agreement must be adjusted. Like the Police and Fire, a fourth tier is being added for employees who have twenty or more years of service, and a 2% adjustment is being applied to each tier.

A motion was made by Mr. Peterman and seconded by Mr. Meier to approve the amendment to the AFSCME Working Agreement and to allow the Mayor to enter into said agreement. Upon call of the roll, the following members voted "aye": Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting "no": none. The motion passed by a unanimous vote.

#### **Consideration of a Transfer Agreement from Time Warner to Charter Communications:**

Last year, Charter Communications sought consent from Fort Thomas to a merger of Time Warner Cable and Comcast, then a divestiture of 3 million customers to Charter. Fort Thomas approved the merger and consented to the transfer of the Franchise as requested. However, the FCC did not approve the merger, divestiture and transfer of the Franchise as proposed, citing the very complicated nature of the multi-tiered process.

Charter, basically, went back to the drawing board to simplify the process in order to obtain FCC approval. Now, Charter is seeking to acquire Time Warner Cable (the parent company is Insight Kentucky Partners, with whom we have the Franchise) and transfer control of the Franchise to Charter.

Leading up to the City's consent to transfer in September 2014, the City spent time and resources negotiating the terms of the consent with Charter. The City concluded that Charter is

qualified to control the Franchise and had no reasonable basis upon which to deny consent to transfer. Charter and Time Warner have agreed to the same terms as contained in the September 5, 2014 Settlement Agreement with the City.

A motion was made by Mr. Meier and seconded by Mr. Peterman to approve the Settlement Agreement between Insight Kentucky Partners II, L.P. and the City of Fort Thomas; and to approve the Assumption Agreement between Charter Communications, Inc. and the City of Fort Thomas; and authorizing the mayor to execute same on behalf of the city. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no”: none. The motion passed by a unanimous vote.

**Finance Committee Report on Disbursements:** The Finance Committee presented its Report of Disbursements and recommended the payment of warrants numbered 300519 through 300672 for the period of **July 21 – August 17, 2015.** A motion was made by Mr. Bowman and seconded by Mr. Meier to concur in the recommendation of the finance committee of council. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

### **Ordinances, Resolutions, and Orders**

**Ordinance O-13-2015:** An ordinance confirming the sale and awarding a non-exclusive franchise to Duke Energy for a natural gas franchise within the City of Fort Thomas was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Meier to approve Ordinance O-13-2015. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Ordinance O-14-2015:** An ordinance confirming the sale and awarding a non-exclusive franchise to Duke Energy for the sale of electrical energy was presented to council for consideration. A motion was made by Mr. Bowman and seconded by Mr. Meier to approve ordinance O-14-2015. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Ordinance O-15-2015:** An ordinance adopting the rates of pay for the Police Department, Fire Department, and ASFCME Unions was presented to council. This ordinance will be laid over to the next regular meeting of council for consideration.

**Ordinance O-16-2015:** An ordinance closing a portion of Riverside Parkway was presented to council. This ordinance will be laid over to the next regular meeting of council for consideration.

**Ordinance O-17-2015:** An ordinance establishing the solid waste collection fees was presented to council. This ordinance will be laid over to the next regular meeting of council for consideration.

**Resolution R-04-2015:** A resolution consenting to the transfer of control of Insight Kentucky Partners II, L.P., from Time Warner Cable Inc. to Charter Communications, and authorizing the Mayor to execute a settlement agreement with Insight and a assumption agreement with Charter Communications was presented to council. A motion was made by Mr. Bowman and seconded by Mr. Bezold to approve Resolution R-04-2015. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Municipal Order MO-06-2015:** A municipal order appointing Ron Dill as the Interim City Administrator was presented to council for consideration. A motion was made by Mr. Peterman and seconded by Mr. Bowman to approve municipal order MO-06-2015. Upon call of the roll, the following members voted “aye” – Mr. Muller, Mr. Bowman, Ms. Kelly, Mr. Bezold, Mr. Peterman, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

**Executive Order EO-05-2015:** An executive order appointing Kasey Carr to Lieutenant in the Fire Department was presented to council with no action needed.

With no further business to come before council, the meeting was adjourned at 8:00.

APPROVED:

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Eric Haas, Mayor

ATTEST:

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Melissa K. Kelly, City Clerk