

**MINUTES OF A MEETING  
OF THE BOARD OF COUNCIL OF THE  
CITY OF FORT THOMAS,  
CAMPBELL COUNTY, KENTUCKY, ON  
MONDAY, SEPTEMBER 21, 2015**

Mayor Eric Haas called the meeting of council to order at 7:00 p.m. on Monday, September 21, 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, and Adam Meier. Absent: Roger Peterman. Staff members in attendance included: Interim City Administrative Officer Ron Dill, 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 September 8, 2015 meeting were presented to council for consideration. A motion was made by Ms. Kelly and seconded by Mr. Bezold 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**

Chief Mark Bailey called new Firefighter/Paramedic Sam Behrle to the front of the room to pin his badge. Mayor Haas and council welcomed him to the City of Fort Thomas.

Chief Daly called new police officers Matthew Marksbury and Sean Donelan to the front of the room to pin their badges. Mayor Haas and council welcomed them to the City of Fort Thomas.

A proclamation for Bob Heil was read by the Mayor thanking him for all of his years of service to the city on our Planning Commission.

Senator Wil Schroeder addressed council. Senator Schroeder said that he has worked with both Matthew Marksbury and Sean Donelan and that we have hired two great officers to join our group.

**Reports of Officers**

**Fire Department Monthly Report: Chief Mark Bailey:** Chief Mark Bailey presented his monthly report to council. A motion was made by Mr. Bowman and seconded by Mr. Meier to receive and file the Fire Department’s monthly report. 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 a unanimous vote.

**Police Department Monthly Report: Chief Mike Daly:** Chief Mike Daly presented his monthly report to council. A motion was made by Mr. Bowman and seconded by Mr. Meier 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, and Mr. Meier. Voting “no”: none. The motion passed by a unanimous vote.

**City Administrator’s Report: Ron Dill:** Ron Dill reported on the following:

**N. Ft. Thomas Ave. Sidewalk Extension:** It has been indicated to abutting property owners of this area that the City would continue to explore grant opportunities that would assist with funding of public sidewalks in the area between Covert Run and the corporation line. The City has again prepared a *Safe Routes to School* grant application. Southbank offered assistance with the grant application and city staff worked with Henley McIntosh of their staff to submit an application that will be forwarded for consideration in this grant cycle.

**Churchill Drive Replacement:** This project has been delayed briefly as the contractor had another project that was under deadline. This delay was communicated by the contractor at the outset but did initiate some response from the public based on this inactivity. They continued work last week and have three more sections of concrete placement and will be approximately four weeks for completion of the road work.

**V.A. Homes Update:** Staff met with the developer last week and developed a proposal strategy for addressing the issue of timing for abatement and transfer of property that will require agreement from the VA and a possible revision to the Memorandum of Agreement. We are intending to meet and resolve this matter in early October.

**Temporary Sign Regulations:** The sign regulations are being reviewed and staff will report to council at a future meeting.

**New Business:** 18 North Ft. Thomas Ave. has three new tenants: Colonel D’s Spice Shop, Top This Doughnut Shop and Kasy Cierley Photography. We welcome them all to Fort Thomas!

## **New Business**

**Sanitation Programs Interlocal Agreement:** As reported at the last council meeting, SD1 has recently passed a revised “Private Sewer Lateral Repair Program”. Under the terms of the originally adopted program, SD1 did underwrite the entire costs for private lateral replacements located within any right of way. Through action of their Board in July 2013, this program was repealed because of insufficient funds.

At the County Judges Executive meeting in June of this year, they allocated funds with the approval of the annual budget and re-established the sewer lateral repair program as originally adopted with one exception. The new provision is a requirement that the owners of public roadways (City, County, State) shall provide all surface restoration services once the lateral repairs have been made (by SD1) including, but not limited to, pavement restoration and/or replacement of any affected curbs, sidewalks and driveway aprons.

The resulting effect of this new policy is:

In order to offer the terms of the “Private Sewer Lateral Program” to its residents, the City of Fort Thomas would have to authorize the signing of the Agreement for Participation and the Master Interlocal Agreement for Infrastructure Projects, Programs or Policies as proposed by SD1;

That in doing so, the City of Fort Thomas would agree to perform, or cause repair, any necessary restoration of the road surface, curb sidewalk or driveway apron resulting from a lateral repair work performed by SD1 within the limits of the public right of way;

Staff has further evaluated this issue and has discussed the proposed policy with the managing representatives from SD1 and would offer the following findings:

There is a significant financial benefit to a resident as this type of repair is typically costly due to the location under public improvements, including utilities. Further, these types of sewer repairs and subsequent costs are unanticipated for the average homeowner and repairs performed privately could equate to several thousand dollars.

The city would have a direct expense for the restoration work performed. This work typically would include placement of concrete, possibly an asphalt overlay and crackseal. Material costs would vary based on area affected and it is anticipated that General Services crews would provide labor.

Staff is satisfied that the collaboration of repairs between the city and SD1 would not pose any significant issues that would inhibit completion of repairs in an efficient manner.

The city issues street cuts for work within right of ways and review of our records indicated there are a minimal number of repairs of this nature each year. It should be noted that not all residents have sewer laterals that would enter into a public right of way as a significant number of households have laterals that are tapped outside the ROW in rear yards.

The program offers a limited funding allocation of \$600K for the current calendar year. Priority is given by order of receipt of application and type of repair with several jurisdiction already signed on. Most notable of these is Covington with reportedly 275 pending requests. We are aware of two (2) pending requests from Ft Thomas residents.

A motion was made by Mr. Bowman and seconded by Mr. Meier to authorize the mayor to enter into an agreement with the Sanitation District for the Private Sewer Lateral Repair Program. 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.

#### **Consideration of the Duke Energy Utility Easement at 130 N. Ft. Thomas Ave (City Bldg) –**

Duke Energy has requested a 15 foot wide easement parallel to the east property line of the City Building property. This area is located behind the Public Works building and is the common boundary with the residence located at 30 Bluegrass Ave. This portion of property is unused for delivery of city services and essentially serves as buffer from the abutting residential uses.

The purpose of the proposed easement is to locate underground service for the new/relocated water tower planned for construction by NKWD on their adjacent property. The proposed underground service would replace the overhead service that originates from Lumley Ave and crosses two residential lots on Lumley Ave. and therefore would allow abandonment of that existing overhead utility and easement.

Staff has reviewed the easement language and has forwarded required changes for acceptance.

A motion was made by Mr. Meier and seconded by Mr. Bezold to authorize the Mayor to sign the easement upon the receipt of the revised documents. 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.

**Finance Committee Report on Disbursements:** The Finance Committee presented its Report of Disbursements and recommended the payment of warrants numbered 300673 through 300779 for the period of **August 18 – September 8, 2015.** A motion was made by Mr. Peterman and seconded by Mr. Muller 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, and Mr. Meier. Voting “no” none. The motion passed by unanimous vote.

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

**Ordinance O-18-2015:** An ordinance establishing the 2015 Property Tax Rate was presented to council for consideration. A motion was made by Mr. Muller and seconded by Mr. Bezold to approve Ordinance O-18-2015. Upon call of the roll, the following members voted “aye”: Mr. Muller, Mr. Bowman, and Mr. Bezold. Voting “no”: Ms. Kelly and Mr. Meier. The motion passed by a vote of 3-2.

**Executive Order EO-07-2015:** An executive order appointing Matthew Marksbury as a police officer was presented to council with no action necessary.

**Executive Order EO-08-2015:** An executive order appointing Sean Donelan as a police officer was presented to council with no action necessary.

**Executive Session:** In accordance with KRS 61.810 (c) and KRS 61.801 (e), a motion was made by Mr. Bowman and seconded by Ms. Kelly to enter into executive session.

A motion was made by Mr. Meier and seconded by Mr. Bezold to return to open session.

A motion was made by Mr. Meier and seconded by Mr. Bezold to authorize the Mayor to consent Scottsdale Insurance to settle the Jo Short Case. The motion passed by a unanimous vote

With no further business to come before council, a motion was made by Ms. Kelly and seconded by Mr. Bezold to adjourn the meeting.

APPROVED:

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Eric Haas, Mayor

ATTEST:

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Melissa K. Kelly, City Clerk