

## MEETING MINUTES OF THE ELSMERE CITY COUNCIL

September 12, 2023

6:30 PM

**LOCATION:** Elsmere City Building

**INVOCATION AND PLEDGE:** The invocation was given by Councilman Malcolm Daniels, followed by the Pledge of Allegiance.

**ROLL CALL:** The following members were present: Mayor Marty Lenhof, Councilwoman Joanne Barnett Smith, Councilman Malcolm Daniels, Councilwoman Gloria Grubbs, Councilwoman Serena Owen, Councilwoman Missy Tester, and Councilwoman Maria Vogt.

### **APPROVAL OF MINUTES:**

Councilwoman Vogt made a motion to approve the minutes of the August 8, 2023, Council Meeting. Councilwoman Owen seconded the motion. All members present voted aye. **Motion carried and so ordered.**

Councilwoman Vogt made a motion to approve the minutes of the September 5, 2023, Caucus Meeting. Councilwoman Grubbs seconded the motion. All members present voted aye. **Motion carried and so ordered.**

### **ADMINISTRATIVE REPORTS:**

**Code Enforcement Officer Chris Preston & Zoning Administrator Rich Aliff** were not in attendance but submitted written reports to Council.

**City Attorney Greg Voss** reported that some of the council received the notice in the Flagship case for the expansion of the mobile home park, the plaintiff has appealed. The court had ruled in the city's favor and dismissed the case. He stated that there is activity in the federal case. He stated that the activity was confidential and if any council member would like to talk to him that he would be glad to.

**Public Works Director Chris Zerhusen** reported the Robinson Way sidewalk project was completed in mid-July. The department has received several compliments for completing this work. The department took delivery of the crack sealing machine. Training for this equipment is scheduled for September 20<sup>th</sup>.

Chris has spent a lot of time with Graybach LLC dealing with issues in the new City Building.

The city and several other cities have partnered with Kenton County for long line striping on Garvey Avenue and New Buffington Road. This work should take place in the fall. The department has obtained pricing for short line striping, crosswalks, and turn arrows for several areas throughout the city.

Councilwoman Barnett Smith thanked him for help on 6 Eastern Ave.

**Police Chief Tim Thames** stated that he included a lot of statistical items, like calls for service by day and by hour of day. He reported that the department firearms training was conducted on August 16<sup>th</sup> and 17<sup>th</sup> at the Florence PD range located in Williamstown. He stated that this was a four-hour block training. He stated that Officer Wenning (and his partner, K-9 Onyx) who is part of the U.S. Marshall's task force, in July he was part of an operation that rounded up several criminals in the Ashland area. The school year has begun, and the SROs are doing a fantastic job. He wanted to remind everyone to slow down and pay attention to crosswalks and students out walking.

He stated that the Lloyd High School Homecoming parade is scheduled for September 21<sup>st</sup> at 6:00 pm. The parade will leave St. Henry and proceed north to Bartlett Avenue and end at Lloyd High School.

The department received a letter of appreciation from the Society of St. Vincent de Paul thanking Chief Maier and the Elsmere Police Department for hosting the Cram a Cruiser event on July 14<sup>th</sup>. The event yielded 772 pounds of food, hygiene items and monetary contributions.

On August 31<sup>st</sup> Sgt. Machal retired from the Elsmere Police Department.

**Parks and Recreation Director Denise Donahue** submitted a written report. Councilwoman Barnett Smith stated that Florence Waterpark event was a huge success with over 100 people attending. She stated that the fall and winter schedule is out. The next event is on September 17<sup>th</sup> at Jimmies Roller dome.

**City Clerk Misty Ezell** stated that she is preparing for the upcoming property tax season.

**City Treasurer Jessica Lucius** submitted a written report. There were no questions for this department.

**Community Center Director Carol Cope** had no report. Mayor Lenhof stated that the administration office has been helping with the center by sending Dee and Teresa to cover the groups that attend the center. Carol also has Cat who works with her.

Councilwoman Grubbs made a motion to approve the Administrative Reports. Councilwoman Owen seconded the motion. All members present voted aye. **Motion carried and so ordered.**

**The mayor's Report** reported that number four of the general items is the hiring of a city administrator. The council discussed the applicant during the caucus meeting, and he invited the city administrator here. He stated that the new City Administrator would be Michael Bartlett. Michael was invited to the council meeting.

Mr. Bartlett stated that he was honored to be considered for the role of City Administrator. He stated that he is excited to get back into government after taking a two-year break to explore some things in the private sector. He stated that he looked forward to serving the council and the citizens of Elsmere.

Attorney Voss read for the council the resolution hiring Mr. Bartlett  
Resolution 7-2023 – Authorizing the Mayor to hire a City Administrator. Councilwoman Grubbs made a motion to approve Resolution 7-2023 and Councilwoman Barnett Smith seconded the motion. All voted in favor. **Motion Carried and so ordered.**

Mayor Lenhof stated that the city has had two good city administrators. Both have moved on to better jobs for them and their families. Jobs that the city cannot compete with as far as salaries and so forth. He feels confident in Michael and was shocked when he applied. The city was fortunate at the time of Matt Dowling accepting a new job and Mr. Bartlett looking to get back into city government.

#### **General Items:**

**Municipal Order 7-2023 - Authorizing the procurement of Professional Services to Design the Pedestrian Access to the front of the New City Building and City Welcome Signs from Summit Architects & Engineers.**

City Clerk Misty Ezell read the order in summary.

Councilman Daniels made a motion to approve the order as read. Councilwoman Tester Seconded the motion. Mayor Lenhof stated that this order was to put a sidewalk from the corner of the building up to Cross Street. And the reason for the sidewalk is because the city will be having steps put on the side of the building, to allow for more access from the parking spaces to the entrance of the building. The city will also now be able to purchase the welcome signs.

Councilwoman Owen asked if the residents would have access to three entrances with these steps. Mayor Lenhof stated that the steps would bring the residents up to the corner of the building. She asked if it would be handicapped accessible? Mayor Lenhof stated that the city had talked to engineers and were originally going to put a ramp in, but after discussion they decided not to put in a ramp because of the elevation of the parking lot.

All voted in favor. **Motion Carried and so ordered.**

**Municipal Order 8-2023 - Authorizing an Increase in the Micro-Purchase Threshold**

City Clerk Misty Ezell read the order in summary.

Councilwoman Tester made a motion to approve the order as read. Councilwoman Vogt seconded the motion. All members present voted aye. **Motion Carried.**

**Municipal Order 9-2023 - Expending ARPA Funds to purchase 3500 Black Diesel Pickup Short Bed**

City Clerk Misty Ezell read the order in summary.

Councilwoman Grubbs made a motion to approve the order as read. Councilwoman Barnett Smith seconded the motion. All members present voted aye. **Motion Carried.**

**Ordinance 1827-2023 – Updating Personnel Policy**

Attorney Greg Voss Read in Summary Ordinance 1827-2023 for the second reading.

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY IN KENTON COUNTY, REPEALING AND REPLACING THE OPEN-DOOR POLICY – COMPLAINT PROCEDURE ADOPTED BY ORDINANCE NO. 1795-2020 AND ADOPTING APPEALS AND GREIVANCE PROCEDURES AS PART OF THE ELSMERE PERSONNEL POLICY**

Councilwoman Gloria Grubbs made a motion to approve Ordinance 1827-2023 as read. Councilwoman Missy Tester seconded the motion. Prior to the vote Councilwoman Owen asked if it would be possible to include an item like the citizen portal, that the city had previously for personnel that when they have an issue, they would be able to go online to make complaint? She also stated that in the order it stated that the city would provide legal representation to the employees, but it did not mention the council. She asked the attorney if this would include the council if they needed representation. Attorney Voss stated that the city would always cover employee's representation in these types of issues, the council would not be involved in any discipline therefore they would not need any but if for any reason the council was named the city would provide representation. As for the portal, due to security reasons it is better to have it done with paper. Mayor Lenhof called for a roll call vote. Councilwoman Grubbs – Yes, Councilman Daniels – yes, Councilwoman Barnett Smith – yes, Councilwoman Vogt – yes, Councilwoman Tester – yes, and Councilwoman Owen - yes. All members present voted aye. **Motion carried and so ordered.**

**Ordinance 1828-2023 – Updating Personnel Policy**

Attorney Greg Voss Read in Summary Ordinance 1828-2023 for the second reading.

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTON COUNTY, KENTUCKY, PROVIDING FOR ASSESSMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ELSMERE THAT IS SUBJECT TO TAXATION FOR CITY PURPOSES BY THE USE OF THE ANNUAL COUNTY ASSESSMENT THEREOF BY THE PROPERTY VALUATION ADMINISTRATOR OF KENTON COUNTY; AND, LEVYING AN AD VALOREM TAX THEREON FOR THE CITY'S PURPOSES DURING THE FISCAL YEAR WHICH BEGINS JULY 1, 2023 AT THE RATE OF \$0.210 DOLLARS FOR EACH ONE HUNDRED SO ASSESSED OF REAL PROPERTY, AND AT THE RATE OF \$ 0.190 DOLLARS FOR EACH ONE HUNDRED SO ASSESSED OF PERSONAL PROPERTY, AND AT THE RATE OF \$.132 FOR EACH ONE HUNDRED DOLLARS ASSESSED ON ALL TAXABLE PROPERTY FOR STREET TAX PURSURANT TO ORDINANCE 1570-2007; AND PROVIDING FOR PAYMENT AND COLLECTION OF SUCH TAXES AND PENALTIES AND INTEREST THEREON; AND DESCRIBING**

**THE PURPOSES FOR WHICH SUCH TAXES SO COLLECTED SHALL BE APPROPRIATED AND USED.**

Councilman Malcolm Daniels made a motion to approve Ordinance 1828-2023 as read. Councilwoman Maria Vogt seconded the motion. Mayor Lenhof called for a roll call vote. Councilwoman Owen – Yes, Councilwoman Tester – yes, Councilwoman Vogt – yes, Councilwoman Barnett Smith – yes, Councilman Daniels – yes, and Councilwoman Grubbs - yes. All members present voted aye. **Motion carried and so ordered.**

**Ordinance 1829-2023 – TBNK Franchise Agreement**

Attorney Greg Voss Read in Summary Ordinance 1829-2023 for the second reading.

**AN ORDINANCE OF THE CITY OF ELSMERE, 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 ELSMERE; 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 Malcolm Daniels made a motion to approve Ordinance 1829-2023 as read. Councilwoman Maria Vogt seconded the motion. Mayor Lenhof called for a roll call vote. Councilwoman Grubbs – Yes, Councilman Daniels – yes, Councilwoman Barnett Smith – yes, Councilwoman Vogt – yes, Councilwoman Tester – yes, and Councilwoman Owen - yes. All members present voted aye. **Motion carried and so ordered.**

**Council Reports:**

Councilwoman Gloria Grubbs – would like to welcome Mr. Bartlett to Elsmere. She looks forward to working with him. She would like to take a moment for everyone to remember what happened on 911 and remember all those who lost their lives in the attack.

Councilman Malcolm Daniels – Would like to extend a welcome to the new City Administrator. He stated that First Baptist Church is having a Fall Festival on October 7, 2023, from 11:00 am to 3:00 pm. The city has been invited to attend and help as able to. He stated that he would have more information at the next caucus meeting.

Councilwoman Joanne Barnett Smith. – wanted to welcome the new City Administrator. She wanted to remind residents about Jimmies Roller Ring on September 17<sup>th</sup> 5:00-7:00 free to all Elsmere Residents. Wanted to remind everyone to keep an eye on children.

Councilwoman Maria Vogt – would like to welcome the City Administrator.

Councilwoman Missy Tester – would like to welcome the new City Administrator.

Councilwoman Serena Owen – welcomed the Mr. Bartlett. She stated her heart goes out to all of those affected by 911.

September is KY League of Cities KLC, City Government month and is a month-long celebration of civics in the classroom and the community. I requested a Proclamation or Resolution from the City of Elsmere and was informed that we celebrate during our Student Government Day in February. In recognition of KLC's City Government Month, Erlanger Councilwoman Wilson and I enjoyed participating in a parade, passing out school supplies and Community Heroes Awards at local events where we shared information about roles and responsibilities of our Municipal Heroes like our Mayor, Administration, City Council, Police, Fire, Public Works, Parks & Recreation, and Senior/Community Center. I enjoyed wearing my cape and proudly representing Elsmere, educating, and encouraging our youth & adult community members to learn more about and appreciate all that our city has to offer. Thank you, Misty, for helping by printing the KLC Municipals student booklet for our residents. Additionally, more than 100 youth in our community colored thank you notes to show appreciation of our Municipal Heroes! Erlanger Councilwoman Renee Wilson and I split the coloring sheets to create displays of gratitude. I enjoyed participating in the Annual Erlanger-Elsmere Labor Day Community Reunion. I live streamed the parade, enjoyed opening and providing KLC Municipals information, live streamed the Church service at Rosella Porterfield Park, and attended the awesome community choir concert at First Baptist Church of Elsmere. There was an issue when over a dozen event attendees including children and seniors like Councilwoman Wilson were attacked, stung by bees at our Rosella Porterfield Park during the event. We discussed this in our Caucus meeting and hopefully the City of Elsmere will be able to take steps to try and prevent this in the future to help keep our residents and visitors safe. In all it was a wonderful community reunion! Great job to the organizers who Erlanger Councilwoman Wilson and I honored as Community Heroes! More info can be found on the Elsmere-Erlanger Labor Day Community Reunion Facebook Pg. All are welcome to join us for food, music, fellowship, and fun again next Labor Day Weekend! All are welcome to join the NKY Juneteenth Committee's Fall Festival at First Baptist Church of Elsmere on Saturday Oct. 7<sup>th</sup> from 11am-3pm. Come enjoy a free fish fry, a petting zoo, free notary services for Veterans, health & wellness booths w/a mammogram mobile, CHAMP Camp, \$25 gift cards for seniors, and more! Please bring a new or slightly used coat for Destiny Owen's Holiday Outreach helping local families. Please contact Phyllis Tyler at 859-652-4978 with questions. Thanks, and we look forward to seeing you! Will all Juneteenth Black Excellence Award honorees please come forward to receive a token of appreciation and encouragement from me. - Thank you again to the City of Elsmere for the Juneteenth Proclamation, raising the Juneteenth flags for the month of June, and for supporting and participating in the Juneteenth Celebration in Elsmere! I participated in the Juneteenth Celebrations in Newport at the Southgate School for Colored Students which is now the Newport African American Museum on Friday June 16<sup>th</sup>, in Covington on Saturday June 17<sup>th</sup> at the Landing along the Ohio River, and in Elsmere on Sunday June 18<sup>th</sup> at First Baptist Church of Elsmere. All celebrations were informative, festive, and fun! Many thanks to the NKY Juneteenth visionary Phyllis Tyler and the Juneteenth Committee for recognizing folk like my First Baptist Church of Elsmere Pastor Norman D. Blankenship, Erlanger Councilwoman Renee Wilson, myself, and many others with NKY Juneteenth Black Excellence Awards for service in our communities! Congratulations 2023 Juneteenth Black Excellence Award Honorees: Mr. Juneteenth: Clint Jackson, Ms. Juneteenth: Bennie Doggett, Khalid Abdul-Rahim, Breanon T. Avery, Kenny Baker, Rosalind Basey, Rev. Norman D. Blankenship, Kimberly DuWaup Bolden, Jerome Bowles, Celeste Hill-Brockett, Sister Janet Bucher, Rev. Jermaine Burgess, Ora Byrd, Sienna Conrad, Stacey Lewis, Carter, Vicky Crumes, Bill and Wesley Dandridge, Rollins Davis, Daylin Garland, Sr., Virinda Garland Doddy, Trent Grayson, Mamie Grayson, Joanne Hayes, Richard Hunter, Dr. Eric Jackson, Porchusa L. Jefferson, John Jennings, Rick Jennings, Charles Johnson, Jocklyn Jouett, Charles Kenny, Basil Lewis, Liz Lewis, Dr. David Lowe, Niqui McNeary, Human Rights Commissioner Pamela Mullins, Councilwoman Serena Owen, Eric Owsley, Tashawa Perrin, James Pouncey, Mae Rice, Dr. Tracey, Butler Ross,

Arthur A. Sheffield, Michael Stokes, Valerie Slaughter, Jennifer Spriggs, Richard Tyler, Vice Mayor Ron Washington, Regina Tolliver Watts, Rev. Dara & Evangelist Kim Webb, Lynn Webb, Councilwoman Renee Wilson, John & Crystal Wimzie, Gordon Granger Award Recipient: Bob Brewster former Exec, Director of Brighton Center, Organization Awards: Daughter's of the King, Covington & KY Human Rights Commission, Lincoln Grant Foundation, Covington Old Timer's, Phenomenal Women, NKY Brotherhood, Many thanks to Phyllis Tyler & the NKY Juneteenth Committee! Councilwoman Gloria Grubbs asked if today's recognition/encouragement awards for the Black Excellence Award honorees were coming out of City funds and Councilwoman Owen said, "No, they are not. I paid for them." Thanks to our local leaders and Municipal Heroes for all you do and many continued blessings to you and your outreach! Thanks, and have a wonderful weekend!  
End of Report.

**ADJOURNMENT**

Councilwoman Gloria Grubbs made a motion to adjourn the meeting. Councilwoman Missy Tester Seconded the motion. The meeting was adjourned at 7:39 p.m.

Attest: Misty Ezell  
Misty Ezell, City Clerk

Marty Lenhof  
Mayor Marty Lenhof