



FALMOUTH CITY COUNCIL MEETING
Minutes Regular Meeting October 17, 2024

After pledge and invocation, Mayor Price called the Meeting to order.

Amy Hurst	Present	Joyce Carson	Present
Sabrina Hazen	Present	Amanda Moore	Present
		Brian Reid	Absent

Present: Attorney Brandon Voelker

After the pledge of allegiance and invocation, Mayor Price called the meeting to order.

GUESTS/PUBLIC COMMENTS

Mayor Price wanted to let Chief Marty Hart have the floor to introduce the officer and new canine unit. He stated that Kyle Florer was the handler for Cairo the new canine unit and had just completed a month long training in North Carolina with her. He wanted them to be introduced to both and give a demonstration of her expertise. Kyle explained that she was trained in various drugs and missing persons; she was a Canadian Shepherd, and answered to German commands as are most canine units. He also wanted the audience to know that every expense for Cairo had been taken from the Asset Forfeiture account and no taxpayer dollars was used. The hope his with seizing more drugs and money, she would pay for herself. Kyle then did a brief presentation of some of the commands he uses, and along with Officer Brody Schmeing, wearing a protective arm sleeve, demonstrated the command to attack to bite. It was interesting she never let go of the arm until the command was given. Council collectively thanked the police department for their time in showing off Cairo!

Doug Buresch, CEO with KYMEA was present to give a summary presentation of a new project to be launched and the grant process for repairs to the transmission lines Falmouth is faced with repairing. KYMEA was notified in July the grant had been received and in review, August no updates, and in October notified of "in funding" status; not meaning there was an aware, but Falmouth was still in the running for the BRIC funding. He felt very confident in the award.

ORIGINAL

He then reported about the new project KYMEA Energy Center. This was a 75-megawatt natural gas power plant. The plant would consist of four (4) Wartsila 189V50SG reciprocating internal combustion engines (RICE). The plant site chosen was Madisonville, KY. The purpose of the plant is to add additional power supply for the sole purpose of serving the All-Requirements (AR) members. Each KYMEA member would partner through bonds and purchase agreements. After presentation and further discussion, Council consensus was to table entering into any agreements until word of the aforementioned grant was secure. They thanked Mr. Buresch for his informative presentation.

Lori Wofsing with Headstart, and project Engineer Nate ???? were present to discuss the issue of the street extension to the end of their proposed build or the end of the property. Headstart did not necessarily want to extend to the end, but initial discussion with the Letter of Intent was they would take to the edge of property line. After review of the map and based on subdivision regulations, it was determined for an agreement would be drawn up with contingencies. They needed to move forward and get plans submitted to NKY Development for approval.

APPROVAL OF MINUTES

Minutes for approval: September 19, 2024 Regular Meeting and Special & Caucus Meeting
October 3, 2024

MOTION: Amanda Moore made a motion, seconded by Sabrina Hazen to approve the minutes as submitted. All aye; motion carried. 4-0-0

ORDINANCES/RESOLUTIONS/MUNICIPAL ORDERS

ORDINANCE 2024:8 was read approving the Franchise Agreement with Openfiber.

MOTION: Amy Hurst made a motion to approve Ordinance 2024:8, seconded by Joyce Carson; all aye. Motion carried 4-0-0

Ordinance 2024:9 was read amending the FY24-25 budget to accommodate the expenditure to pay off the Enterprise Lease vehicles and accommodate sale of 10 acres of Klee Farm.

MOTION: Sabrin Hazen made a motion to approve Ordinance 2024:9, seconded by Amanda Moore, all aye. Motion carried 4-0-0

OLD BUSINESS

The Wilson Lane Sewer project-HMB engineers had attended the bid opening for the Wilson Lane Sewer replacement with 3 bids being received. Lonkard Construction was for \$216,939; Gooch Construction was \$223,875.00; and Utility Environmental Concepts was \$249,400.00.

ORIGINAL

After review of all documents, it was the engineer's recommendation to move with Lonkard Construction being the low bid contingent upon references and bond documents.

MOTION: Amy Hurst made a motion to accept the low bid of Lonkard Construction for the Wilson Lane Project as recommended, seconded by Joyce Carson; all aye 4-0-0

Precision Concrete had compiled the data for the sidewalk repair work and each Council member was made a binder with all the details. Mayor Price said with the amount of work to be done, the project could be split in phases as time and weather conditions permitted. Phase 1 would be Hwy 22/Main Street and E Shelby Street.

Mayor Price then asked for discussion and possible decision regarding buyout of the Enterprise lease on the vehicles. He reminded Council of the information he had previously given them on the cost to continue over the next 5 years and the strain on the budget. His recommendation was to pay off leases and moving forward with preventative maintenance plans in all departments to properly care for the vehicles. He felt the cost savings in the end was better business than keeping the leases.

Mayor informed Council he had received a letter from Mayor Mason Taylor with Butler requesting to terminate the contract for service from Falmouth. Mayor was requesting a vote by council authorizing him to execute termination of the contract.

MOTION: Sabrina Hazen made a motion to authorize the Mayor to sign and execute the termination of agreement with Butler for fire service. Joyce Carson seconded; all aye. 4-0-0

NEW BUSINESS

Mayor Price reported only one application had been received for the vacant council seat left by Bob Pettit. He announced that applicant was Anthony Cox and reminded council that Mr. Cox had attended every council meeting for over a year, felt he was well qualified to fill the seat, and it was his recommendation to appoint Mr. Cox as Councilman..

MOTION: Amy Hurst made a motion to accept the recommendation of the Mayor to appoint Anthony Cox to council; second by Amanda Moore; all aye; 4-0-0 After vote, Clerk Williams administered the Oath of Office and Mr. Cox took his seat at the Council table.

OTHER/COUNCIL COMMENTS

Amanda Moore made the announcement that St Xavier was collecting donations for the North Carolina victims of the hurricane on Saturday between 8:00 am and 12:00 noon. There was a huge need of infant items.

ORIGINAL

Anthony Cox inquired about the fire hydrants to which Mayor Price announced the flushing had been completed and Rob Kellar was working on the analysis to bring before Council.

ANNOUNCEMENTS:

A brief review of the listed announcements was made.

ADJOURNMENT

MOTION: Joyce Carson made a motion to adjourn; seconded by Anthony Cox. All aye; Motion carried 5-0-0.



Luke Price



Attest: City Clerk

SUMMARY OF ORDINANCE

1). The City of Falmouth, Kentucky, at meetings held on October 3, 2024 and October 17, 2024, adopted the following Ordinance No. 2024.8:

AN ORDINANCE OF THE CITY OF FALMOUTH, IN PENDLETON COUNTY, KENTUCKY, CONFIRMING THE SALE AND AWARDED A NEW NON-EXCLUSIVE FRANCHISE TO OPENFIBER KENTUCKY COMPANY, LLC FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION, AND SALE OF ETHERNET AND INTERNET ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF FALMOUTH, KENTUCKY, IN RETURN FOR WHICH THE FRANCHISE SHALL PAY TO THE CITY A SUM EQUAL TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)

The purpose of the Ordinance was to provide for the creation and sale of a non-exclusive franchise, for a term of twenty (20) years, to acquire, lay, maintain, operate, enter upon, construct, install, use and repair, in the public Right-Of-Way of the City a system or works for the generation, transmission, and distribution of ethernet and internet from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations, and municipalities beyond the limits thereof, and for the sale of same for fiber optic, ethernet, internet, and other purposes; and

To establish a sealed bid process which includes advertising the invitation of bids, and awarding the franchise to the successful bidder(s).

This Ordinance is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Falmouth, Kentucky.

CITY OF FALMOUTH, KENTUCKY

By: /s/ Ramona Williams, Clerk

Prepared and Certified by:

/s/ Brandon N. Voelker

Brandon N. Voelker (88076)

Gatlin Voelker PLLC

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Attorney for City of Falmouth

ORDINANCE 2024:8

ORDINANCE CONFIRMING THE SALE AND AWARDING A NEW NON-EXCLUSIVE FRANCHISE TO OPENFIBER KENTUCKY COMPANY, LLC FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION, AND SALE OF ETHERNET AND INTERNET ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF FALMOUTH, KENTUCKY, IN RETURN FOR WHICH THE FRANCHISEE SHALL PAY TO THE CITY A SUM EQUAL TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)

WHEREAS, Ordinance No. 2024:8 adopted by the Falmouth City Council, provided for the creation and sale of a non-exclusive franchise, for a term of twenty (20) years, to acquire, lay, maintain, operate, enter upon, construct, install, use and repair, in the public Right-Of-Way of the City a system or works for the generation, transmission and distribution of ethernet and internet from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations, and municipalities beyond the limits thereof, and for the sale of same for fiber optic, ethernet, internet, and other purposes; and

WHEREAS, said Ordinance also established a sealed bid process which includes advertising the invitation of bids, and awarding the franchise to the successful bidder(s); and

WHEREAS, after publication of said advertisement, the City of Falmouth received a bid from OpenFiber Kentucky Company, LLC

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FALMOUTH, KENTUCKY, AS FOLLOWS:

Section 1. That an internet franchise created by Ordinance No. 2024:8 be, and hereby is, awarded to OpenFiber Kentucky Company, LLC for Two Thousand Five Hundred Dollars (\$2,500), which shall be payable to the City of Falmouth.

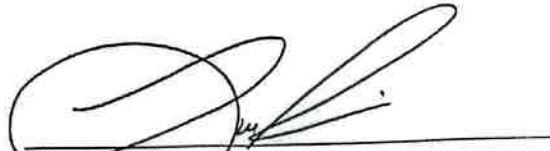
Section 2. All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 3. That the mayor of Covington is hereby authorized to sign the Franchise Agreement which memorializes the sale by the City of Falmouth to OpenFiber Kentucky Company, LLC, of said franchise subject to the terms and conditions reflected in Ordinance No. 2024:8, OpenFiber Kentucky Company's bid and this Ordinance.

Section 4. That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

Section 5. That if any section, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Ordinance.

Section 6. This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.



Luke Price, Mayor

ATTEST:

Ramona Williams
CITY CLERK

Passed: 10-17-24 (Second Reading)

10-3-24 (First Reading)

10-22-24 Published

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT made and entered into this ____ day of September, 2024, by and between the City of Falmouth, Kentucky, and OpenFiber Kentucky Company, LLC (hereinafter “OFKC”).

WITNESSETH:

WHEREAS, OFKC’s is the exclusive wholesale partner of KentuckyWired, a project run by the Commonwealth of Kentucky through the Kentucky Communications Network Authority; and

WHEREAS, OFKC’s core business is to connect customers with the KentuckyWired “middle-mile” statewide fiber optic network; and

WHEREAS, by Ordinance No. 2024:8, the City of Falmouth created a twenty-year, non-exclusive franchise for a telecommunications system within the confines of the City of Falmouth; and

WHEREAS, the City of Falmouth accepted the bid of OFKC to acquire the said franchise; and

WHEREAS, the City of Falmouth and OFKC have entered into this Franchise Agreement to memorialize the grant by the City of Falmouth to OFKC of said franchise subject to the terms and conditions stipulated in Ordinance No. 2024:8;

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and receipt and sufficiency of which are hereby acknowledged, the City of Falmouth and OFKC hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

1. Ordinance No. 2024:8 as now written and as it may be amended during the term of this Franchise Agreement, is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.
2. The bid, narrative, maps, and site plans of OFKC for said franchise, which is attached hereto as Exhibit A, is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.
3. The City of Falmouth has granted to OFKC for a period of twenty (20) years, a non-exclusive franchise to erect, install, or maintain communications facilities or provide communication services by use of said communication facilities within the confines of the City of Falmouth, subject to the provisions of Ordinance No. 2024:8.
4. The franchise memorialized in this Franchise Agreement shall commence _____ and shall expire as provided in the terms and conditions of Ordinance No.2024:8.
5. OFKC does faithfully bind itself, its successors and assigns, to faithfully and fully perform each and every condition of said franchise as memorialized in this Franchise Agreement, and further to faithfully perform all acts required of it pursuant to said franchise.
6. This Franchise Agreement memorializes the agreement between the parties contained and embodied in the Ordinance No. 2024:8 and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

IN WITNESS WHEREOF, the City of Falmouth and OpenFiber Kentucky Company, LLC have executed this Franchise Agreement as their free and voluntary act and deed effective as of the day and year first above written.

[Signatures on the following page]

ATTEST:

Ramona Williams
CITY CLERK

City of Falmouth

By:


Luke Price, Mayor

OpenFiber Kentucky Company, LLC

By:

CEO



PENDLETON COUNTY CLERK

In person Excused: in the County Clerk's office you have to state why you cannot vote on election day or during early no excuse Voting: will be October 23, 24, 25, and 28, 29,30

Early Voting NO EXCUSE will be October 31, November 1, 2 (Thursday, Friday, Saturday) Hrs. 8:00 to 4:00 in the County Clerk's Office

Election Day November 5th 2024

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CITY OF FALMOUTH, KENTUCKY

By: /s/ Ramona Williams, Clerk

Prepared and Certified by:

/s/ Brandon N. Voelker
Brandon N. Voelker (88076)
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Covington, Kentucky 41011
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Attorney for City of Falmouth

Publication

Pendleton welcomes to

Pendleton County Economic Development

FALMOUTH — Pendleton County reached a significant milestone last Tuesday as the first group of tourism commissioners was sworn in by Judge Executive David Fields.

This development follows the green light given by the Pendleton County Fiscal Court for a 3 percent transient room tax, effective since July 1, levied on fees for overnight accommodations in the county.

The establishment of a seven-member tourism commission, in compliance with Kentucky Revised Statutes, marks a pivotal stride toward elevating tourism in the area.

Comprised of representatives from lodging, dining, Chamber of Commerce, and the community, the commission is set to enhance Pendleton County's appeal to leisure, group, and business travelers, according to Tami Vater, county Economic and Tourism director.

The commission is not only vested with the management of generated revenues but is also charged with devising an extensive marketing and promotional strategy to expand their footprint within the region and neighboring states connected to Kentucky.

Operating as a non-profit governmental body, the

commission is to judiciously h transient room t to bolster sustain ism growth in County.

With a core fostering econo through strateg initiatives, the endeavor to pos leton County a destination for search of a se from urban life,

By spotlight county's natur events, and ho ferings throug marketing cha commission air in overnight g area's accommo recreational faci Boasting clo tended stay res two campgrou ton County pre ied selection o stay options.

Strategically between Lexi Cincinnati, the optimally pos captivate travel an unforgettab Vater said.

Annual eve Kentucky Wo and the newly Balloons and T further fortify County's allure she said.

"These even showcase the ar ture and herita lure in overni

Senior Center plans cc

FALMOUTH — The Pendleton County hole tournament Oct. 26 at the center, 1111

Check-in begins at 12:30 p.m. and the bag Registration is \$10 a person or \$20 a team the tournament fees. There also will be a split- The Phillip Sharp Middle School cheerleac Register in advance by calling the center at :

