

**CITY OF EDGEWOOD
COUNCIL MEETING MINUTES**

**October 6, 2008
6:30 PM**

CALL TO ORDER – Mayor Link called the meeting of the Edgewood City Council to order at 6:30 PM in the council chambers of the Edgewood City Building. The following council members were present: Nancy Atkinson, David MacMillan, Jeff Schreiber, Dale Henson, Mark Steffen, Chris Link, and Ray Spears. Also in attendance were City Administrator Roger Rolfes, City Attorney Frank Wichmann and City Clerk Jeanette Kemper.

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – Mr. Rolfes moved first reading of the Rosedale Manor Bond Issue ordinance to Reports/Presentations. Mr. Steffen added item #23 Council Election under New Business. Mayor Link added under Announcements MGLNK meeting.

APPROVAL OF MINUTES – September 29, 2008 Meeting Minutes – Mr. MacMillan made a **motion** to adopt the September 29, 2008 meeting minutes as written; second by Mr. Link. Mr. Henson and Mr. Steffen abstained. **Motion passed: 5 ayes – 2 abstentions.**

REPORTS/PRESENTATIONS

Ordinance 2008-08-09 Rosedale Manor Bond Issue ordinance – 1st reading. Mr. Wichmann read the ordinance: AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,500,000 INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2008 (KENTON HOUSING, INC. PROJECT) OF THE CITY OF EDGEWOOD, KENTUCKY, THE PROCEEDS OF WHICH SHALL BE LOANED TO KENTON HOUSING, INC. TO FINANCE THE ACQUISITION OF AN INDUSTRIAL BUILDING LOCATED WITHIN THE PROXIMITY OF THE CITY OF EDGEWOOD, KENTUCKY FOR USE AS HOUSING FOR THE AGED OR RELATED FACILITIES IN FURTHERANCE OF THE PURPOSES OF KENTON HOUSING, INC.; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT, TAX REGULATORY AGREEMENT, MORTGAGE AND ASSIGNMENTS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

Ian Koffler, Bond Council with Peck, Shaeffer and Williams, reiterated their request.

Northern KY Area Planning Commission (NKAPC) Sign Regulations – Andy Videkovich, NKAPC principal planner, was in attendance to review the new proposed sign regulations. The changes followed the general theme that is content neutral standard. Which means its okay to regulate a sign's size, height, and location but not what the sign says which is keeping with the first amendment rights. Some of the highlights are: it continues to prohibit all new billboards, provisions for electronic and changeable copy signs, also in the single and two family residential

zones detached signs (for sale, political, etc) only four signs are permitted. One of those four signs could be a permanent sign. The other three signs would be temporary. The permanent sign cannot contain a commercial message. Two commercial signs are no longer permitted such as a yard sale and for sale sign unless they are a temporary sign. Elections – there is no time limit on when those signs can go up but they must be removed within seven days after the event. Office, Commercial and Industrial zones – the format of the sign regulations has changed. They now use tables saying what types of sign is used and what size it can be. Master signage plans are now required. If there was ever a large commercial or office development or institutional development they would have to submit a master signage plan showing the location and type of signs. The new size of signs is 2' x 3'.

Mr. Schreiber asked if we could make changes to this ordinance or is NKAPC asking every city to adopt the same ordinance. Mr. Videkovich said they're asking everyone to adopt the same ordinance. Other cities have adopted the ordinance as written. Mr. Schreiber said we shouldn't be restricting residents to only allow four signs in a yard; "We felt the four signs were arbitrary, not manageable and not enforceable, or at least difficult to enforce". *Council recommended changing it to unlimited number of signs allowed. Council also wanted to have a time frame on when signs can go up before an election/event. *Sixty days before an event and ten days after an event was recommended.

Mr. Schreiber also wanted to change the rule that states no signs are allowed on vacant lots. He said if you have permission from the property owner then it should be allowed. *Council agreed to allow signs on vacant lots if permission is obtained.

Mr. Schreiber did not agree with rules on school signs which states that the changeable part could only be 30% of the sign. Mr. Wichmann said governmental units such as public schools, fiscal courts, transportation cabinet, fire districts, etc. are exempt from zoning. Mr. Rolfes said except for St. Pius which is not a public school. *Council agreed to change 30% to 75% of the sign could be changeable. Mr. Videkovich said this regulation applies to all businesses not just schools and governmental units.

Mr. Schreiber was also concerned about "v" shaped signs on properties such as K-Mart who places a lot of those types of signs along Dixie Highway. Mr. Videkovich said there are provisions on temporary signs on commercial property and those would not be allowed.

Mr. Schreiber had another concern about benches with signs/advertisement on them. There are five benches on Dixie Highway at Edgewood Road with signs on them. Mr. Rolfes said some of them are placed in the right of way and their lawyers responded by saying that it's pre-existing. We haven't had time since then to fight it. Mr. Wichmann said if they're in the right of way then they are not subject to the zoning ordinance because it's not on someone's property. If they are within someone's property then they would have to comply with these regulations. Since they advertise for business other than the business where the benches are located then that is an off premise sign (billboard) which is not permitted. One of the benches belongs to the city and someone placed a sign on it. Council said to remove the sign. Mr. Schreiber asked for the city's bench to be moved up by the sidewalk so that people can sit on it without walking through the mud; Mr. Goetz said they will move it.

Mr. MacMillan asked who addresses the content of a sign and makes the determination if it is objectional or obscene. Mr. Wichmann said obscenity is a completely different field and is controlled by state statutes.

*Mr. Wichmann will make the above four changes to the ordinance and first reading of the amended ordinance will take place on October 20th.

Mayor's Report – Mayor Link reminded residents to clearly display their address on their mailboxes for emergency personnel; he'll address it in the newsletter as well. Mayor Link thanked the fire department for putting on a successful open house this past weekend.

Administrator's Report – Mr. Rolfes had nothing to report.

Staff Reports – Council reviewed reports from the following staff members: City Administrator, City Clerk, Fire/EMS, General Services, Police, and Recreation. Fire Chief Amon thanked their volunteers for their assistance during the recent windstorm. They had 44 runs in a 12 hour period. They had about 25 volunteers during that time and then 8-12 more through Tuesday evening. They did a great job.

CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA – Norbert Meyer, 3118 Locust Hollow, voiced his opposition to the sign ordinance. He said it's making violators out of honest citizens. He said one sign that should be looked at is the Holy Cross sign on Dudley Road at Ted Arlinghaus' home; it's bigger than 6 sq ft. Mr. Meyer then asked how much money Rosedale Manor was putting forth towards the bond issue. Mr. Rolfes said they'll be contributing \$1.5M. Mr. Henson said there is no city money involved.

UNFINISHED BUSINESS – **Salary Survey** – Mr. Rolfes drafted a survey per the request of Mr. MacMillan and asked if the majority of council wanted to proceed with the survey. He said most times when a personnel survey is done there is an expectation that builds from that and he's not sure that the city would want to raise the question. Mr. Schreiber said to hold off since the new process has only been in effect for two-three months; he said we need to give it time to work before asking for opinions. Mr. MacMillan said we've gone through one cycle and nothing will happen until next July. He brought it up because people have come to him with suggestions and if we don't do anything then the cycle will repeat itself next July. Mr. Schreiber said if there are things that need to be changed then let's discuss those but he doesn't see how a salary survey will help if Mr. MacMillan already knows the answers. Mr. Spears agreed with Mr. Schreiber and stated that if employees have a problem then they should go to their supervisor and then to the city administration; we haven't allowed enough time to have any affect. He further said if there are specific problems that someone wants to share then council could discuss it in committee. Mr. MacMillan said he didn't know why council wouldn't want the information to get feedback on a system council put in place that we thought we were giving our supervisors tools to help people either reward good behavior or identify bad behavior. Mr. Spears said we don't know what problem we're trying to fix and if someone wants to give feedback then we'll take it under advisement.

Mr. Rolfes said the only thing he heard was that due to time constraints this past year was based on ¾ of a year and there were concerns about that but there was no way around it. Mrs. Atkinson said you have to allow for that transition period anyway. She would not like to put out a survey yet because we're asking them to evaluate something that they really haven't had time to evaluate yet. She said there is a chain of command and employees should go to their supervisor and if it would be such a problem that you would have a large percentage of people who were complaining about it then we should take another look at it and do a survey.

Mr. MacMillan has heard comments from police and firemen. Mr. Schreiber said then if there is something particular to discuss then let's talk about it now. Mr. Rolfes has heard complaints about employees maxing out but if they left and went somewhere else they would not be able to make that same amount of money in that same type of position. Mr. Spears said he wanted to put a max on the COLA increase to allow a higher percentage of the increase to be based on merit but the majority of council didn't vote for it. Mr. Rolfes said each year council will determine how much of COLA will be applicable to salaries that year. The brackets move each year by COLA which is established by the State and then council can choose the amount to give the employees. Mr. Spears said we don't need the survey right now. Mr. Henson agreed and said if there specific issues that council needs to deal with then council needs to discuss it now. He further said to send out a blind survey to get feedback that we in theory already have makes no sense. Mrs. Atkinson said we need to encourage the employees to follow the chain of command. The survey will not be sent out at this time.

NEW BUSINESS – **Request to re-certify hazardous CERS positions** – Mr. Rolfes state that one of the provisions made in HB 1 in the special session that made changes to the CERS Pension Fund was that all of the existing duty classifications, not the employees in those classifications, could be considered nonhazardous if they hire a replacement for an existing position after September 1, 2008. The exception to that is if the person hired as the replacement was already in the system as a hazardous duty employee at another location, they would be grandfathered in. This is a onetime decision and is binding for the future. If we were to choose not to treat our existing hazardous duty staff positions as hazardous duty, going forward, we could be at a serious competitive disadvantage. If council concurs, the attached resolution must be passed so we can submit it to Frankfort. No comments from council.

Expansion of the Memorial Monument in Freedom Park – Mr. Rolfes said we have run out of space on the Memorial and would like to expand it. We have submitted some sketches for expansion. This is going to cost approximately \$6,000. Mr. Rolfes encumbered \$10,000 from last year's budget to cover the cost, so we will certainly have adequate funds. We need to make additions because of the wars in Afghanistan and Iraq. This addition will also allow for future expansion. Council agreed to go with the angled version.

Set Halloween hours and date – this was been set by council in the past to be 6 p.m. to 8 p.m. on Halloween night. Mr. Steffen said the issue is that since Halloween is on Friday night this year there are a lot of people who attend football games and didn't know if we should change it. Council agreed to leave it as is.

Mayor Link asked council about having the council meeting on November 3rd, night before election, or cancelling it. Council said to allow the docket dictate the meeting.

Council Election – Mr. Steffen said “he is not running for re-election this year and said if someone tells you something about what we do here then ask questions. If they say we spend too much on something ask them to be specific. If they said to you I think this is a problem then take the time to ask what exactly it is that they're saying. To the candidates, be factual and honest; take the time to get the facts you need. I believe council has done a good job and I believe we've had people that were here for the right reasons. Take the time before you vote for city council to make sure that the people you're voting for have that outlook and don't accept things at face value.”

ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS – ORDINANCE 2008-10-16 Establishing new parking regulations – 1st reading. Mr. Wichmann read the ordinance: **AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY: (1) ESTABLISHING SOME NEW MOTOR VEHICLE PARKING REGULATIONS; AND (2) AMENDING SOME EXISTING MOTOR VEHICLE PARKING REGULATIONS; AND (3) PROVIDING PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS.**

Mr. Wichmann made the following changes per council's direction and discussion at the last meeting. Parking should be prohibited:

1.1 In any area of any off street parking facility offered for free public use, other than those areas designated for motor vehicle parking; or

1.2 In any area of any street with a pavement that is less than twenty-five (25) wide, where that area is within fifty (50) feet of an intersection of streets or a street cul-de-sac.

1.3 In any area of any street with a pavement that is twenty-five (25) feet or more in width, where that area is within twenty-five (25) feet of an intersection of streets or a street cul-de-sac.

1.4 On any street or other public right-of-way for any continuous period of more than seventy-two (72) hours.

1.5 On the paved portion of any street during that portion of any snow emergency that is more than two (2) hours after the declaration thereof by the Mayor, City Administrative Officer or the Director of Public Works.

Mr. Rolfes corrected Mr. Wichmann that the distance limitation also applies to intersections of streets; he'll make the correction.

Mr. Schreiver said we can't pass section 1.1 at all; it gives our officers the ability to go to anyone's parking lot and write citations for everything such as if a tire is on the line or parked in the grass, etc. We should only cite for handicap and fire lane violations. The owner of the lot should provide signage if they do not want parking in a particular area of their lot. The lot owner can then have the car towed at the car owner's expense. Mr. Spears agreed adding it was not our intent to find ways to issue more tickets it was to handle just handicap and fire lane issues. Mr. Schreiver wants section 1.1 to be deleted. Mr. Wichmann was written in response to an issue with the ambiguity of wording in our present ordinance. So, if we don't adopt 1.1 we still need to address how we're going to change the existing ordinance. Mr. Schreiver said he didn't know what was in the old ordinance and requested a copy of the existing ordinance be sent to council. Mr. Schreiver talked with Florence Police about their parking ordinance and he'll obtain a copy for council's review.

Mr. Schreiver said section 1.3 addresses his street, which is a short street, and this takes away public parking on his street. This will put hardship on everyone with short streets. Florence's regulations states that you can only park 50 ft from the center line on a street if it intersects a state or federal road. He said he's okay with restricting the bigger streets to 25 ft or a car length but with a shorter street it really cuts down on the parking. Florence's regulations also stated that streets that don't intersect a major highway the limit is 38 ft. which has to do with the width of a street. On their cul-de-sacs they don't

allow parking in the circle not 25ft from the cul-de-sac. He said that's why these streets were built with the big cul-de-sacs so that the garbage trucks and fire trucks could get through and doesn't know why we need to add the additional 25 ft from the cul-de-sac. Mr. MacMillan said the 25 ft. was affirmed by Asst. Fire Chief Dickman who felt they need the room to turn the emergency equipment around. Mr. Schreiber doesn't want the 25 ft limitation in section 1.3. Mrs. Atkinson said the fire department did say it was hard for them to make the turn if a car was parked there not just on cul-de-sacs but any street and she believes we need to give them some room to get their equipment around.

Mr. Schreiber also wanted to know if our ordinance addresses how close you can park to a stop sign; Florence's is 10 ft. He would like to classify our streets, A, B, C, etc. and it would be based on the number of houses, street length, width. He said if we pass some of these items we could make them pertain to a classification of a street.

Mr. Steffen said we need a copy of the existing ordinance and compare it to this ordinance as well as Florence's.

Mr. Wichmann will obtain a copy of Erlanger's ordinance.

Council agreed to have discussion on it at the next meeting, obtain ideas, then write it again.

Resolution 2008-12 recertifies hazardous CERS positions – Mr. MacMillan made a **motion** to adopt resolution 2008-12; second by Mr. Schreiber. Mr. Spears asked how many positions this will affect. Mr. Rolfes said 14 police officers, 4 fulltime firefighters and 21 part time firefighters. **Motion passed: 7 ayes – 0 nays.**

ANNOUNCEMENTS:

- Spooky Sunday is October 19th at Presidents Park, 4 P.M.
- CPR classes are being formed. Call 578-3280 for more information.
- MGLNK meeting will be 11/15/08 at Triple Crown Country Club.

ADJOURNMENT

Mr. Spears made a **motion** to adjourn at 8:17 p.m.; second by Mrs. Atkinson. **Motion passed: 7 ayes – 0 nays.**

Attest: Jeanette Kemper
Jeanette Kemper, City Clerk
Date passed: 10/20/08

John D. Link
Mayor John D. Link