

**CITY OF EDGEWOOD
COUNCIL MEETING MINUTES
October 20, 2008
6:30 PM**

INVOCATION

PLEDGE OF ALLEGIANCE

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, Chris Link, and Ray Spears. Also in attendance were City Administrator Roger Rolfes, Kim Quinn (representing Frank Wichmann, City Attorney), and Sr. Deputy Clerk Mary Jane Lucas. Mark Steffen was absent.

APPROVAL OF AGENDA - Mr. Henson added an update on the Cable Board as #12 under Unfinished Business. Mayor Link opened the meeting as a public hearing for anyone to speak for or against the Rosedale Manor, close, and move Ordinance 2008-08-09, the Rosedale Manor Bond issue, up for second reading. Mr. MacMillan added that the Fire Department will distribute Halloween candy for Trick or Treat under announcements.

PUBLIC HEARING -

Mayor Link opened the public hearing for anyone to discuss the Rosedale Manor. Mr. Ian Koffler, Bond Council with Peck, Shaeffer and Williams, mentioned a few specifics about the project. The project would involve the issuance of approximately \$8.5 million dollars of industrial revenue bonds for the purpose of loaning the proceeds to Kenton Housing Inc., a Kentucky nonprofit corporation, for purchase of a building located at 4250 Glenn Ave. in Covington, KY which would be owned and utilized by the borrower as a long term care facility. He then gave the interested members of the public an opportunity to speak either for or against the project. There was no discussion.

Mr. Henson made a **motion** to close the Public Hearing at 6:37 P.M.; second by Mr. MacMillan. **Motion passed: 6 ayes – 0 nays.**

Ordinance 2008-08-09- Rosedale Manor Bond Issue Ordinance - 2nd reading. Mrs. Quinn 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.

Mr. Henson made a **motion** to adopt Ordinance 2008-08-09; second by Mr. Spears. **Motion passed: 6 ayes – 1 nay.** Mrs. Atkinson voted nay.

Mr. Nick Ziegler, Chairman of the Board, thanked the Mayor and Council for their vote and stated his appreciation for their help. Mr. Henson made it clear that this in no way encumbers the City for any expenditure of any funds nor does it open us up for any liabilities.

APPROVAL OF MINUTES – Mr. Spears added the following to the second paragraph under Sign Regulations: “We felt the four signs were arbitrary, not manageable and not enforceable or at least difficult to enforce.” He clarified the difficulty of trying to keep track of which of these four signs were the first four signs when a yard has more than four signs. He stated that this was the reasoning why we did not want to be limited to the four signs as suggested in the ordinance.

Mr. MacMillan made a **motion** to adopt the minutes as amended by Mr. Spears; second by Mr. Spears. **Motion passed: 6 ayes -0 nays.**

REPORTS/PRESENTATIONS

Text Amendment application – This is an amendment to the official county comprehensive plan of local adoptive zoning ordinances and stage I/stage II reviews. Mr. Jim Kruer, representative for Charter Oak Development Inc., a family business that owns 5.1 acres at the end of Charter Oak Road on Serenity Way, gave a presentation to the Mayor and Council to explain the development and answer any questions. Mr. Kruer stated that the concept of their development is going to be preservation, conservation, and an eco friendly development. Northern Kentucky Area Planning suggested he come to the City with the amendment and to include the general regulations of the Kenton County zoning ordinances section 9.34 and 9.35. The purpose is that any acreage over five acres can be developed in a conservative, green sensitive, eco friendly fashion by not requiring the grading and movement of dirt as otherwise required. The concept of what it would look like would be five tree filled acres and six divided lots without curb and guttering; storm water would discharge itself by following the grade of the roadway, they would not disturb the soil as much, not kill the trees or mess up the vegetation. In order to do that he would have to have a text amendment. Mr. Kruer explained why within article 9, they did not recommend a text amendment with all the provisions included in 9.34.

There are several plans for protecting the trees: In a R1C Zone they are only asking for six lots out of the 18 allowed in the five acres; the street will be along the ridge which requires very little grading; and they will have different frontage set back requirements. The U shape below the top of the ridge will be donated to the county conservancy so all the homes occupied by Schreiber will be insulated by a buffer zone of large trees. They are also granting an easement to the Kenton Co. Conservancy to allow for a walk way at the north end of the property that will go to a trail to Doe Run Lake. The whole purpose of the development would be to create something memorable that Edgewood can be

proud of, and to preserve the trees on the property. They are asking for the text amendment that, effectively, we would adopt and allow for this permitted use under our section of 10.3 RIC Zone. Mayor Link questioned the following: how far back the setbacks would be, the width of the road, length of the driveways, and on street parking. Discussion ensued concerning having enough space for fire trucks, etc to get around in the cul-de-sac. Mr. Kruer assured that changes could be made if necessary including widening driveways with offshoots or expansions. The streets will be asphalt instead of pervious because of clogging by dirt; the water will go into the water shed. Mr. Schreiber was concerned about water going under the street; Mr. Kruer said 8 feet on each side of the road will have #2 compacted stone covered with grass allowing for drainage and extra parking. Discussion was held concerning meeting requirements for the City to take over the street. The plans will be sent to area planning and recommendations will be added and adjustments can be made. Mr. Rolfes requested under drains on both sides of the street and stated the problem concerning open pavers on the sides of the street because they could encourage people to park on the grass which is illegal. Mr. Henson requested the price range on the houses; they will range from \$550,000-\$600,000 in addition to the lot. Mr. Kruer replied to Mr. Schreiber's zoning question, that council would have to amend section 10.3 (RIC zoning) to allow for a conservation subdivision; the density bonus piece was eliminated from their request. Mr. Rolfes suggested making a separate sheet that states what they are looking for and plan to do. Mr. Rolfes clarified the procedure that we have to go by, that the next step would be to submit the application, and after it goes through area planning and comes back, we would still have the final say on it. Mr. Kruer will submit another plan, after the issues identified by council, have been addressed within this plan, for an opportunity to see where the suggested changes have been made.

Mayor's Report – Mayor Link thanked all those who participated in Spooky Sunday (Public Works, staff, volunteers, and Recreation Committee) and spent the hours putting everything together for the Haunted Forest.

Mayor Link congratulated St. Elizabeth Hospital for their achievement in the five-star rating they received on October 15th. They rank among the top 5% of the nation's hospitals for overall orthopedic, spine surgery and pulmonary care and the top 10% for gastrointestinal and critical care.

Administrator's Report – Mr. Rolfes will be meeting with St. Elizabeth Hospital in regards to parking spaces. He reiterated the problem with enforcing Edgewood's 200 sq. ft. parking spaces and requested that we draft a revision to our ordinance that brings us into the standard size parking space.

Mr. Rolfes met with the department heads in the staff meeting and discussed postponing certain plans until we see how we are doing on some things before we actually spend the money on such projects as the monument expansion and new Senior Center flooring. He looked back over the last 36 months. The present situation is that the Fund Balance is down because all street construction was completed in the 1st quarter due to the escalating cost in materials and it would save money in the long run to pull back and hold. He informed the staff that percentage wise we are right on in terms of revenue and expenses on percentage basis compared with other years. He cited the unknown future and felt

that anything that could be deferred by the departments should be held off until later in the year.

CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA – none

UNFINISHED BUSINESS – **Parking Ordinance discussion** - Mr. Rolfes reported the following parking information was sent to council: current ordinance, requested data, terminology used to define streets, and copy of Florence information. Mr. Schreiver could not find anything in the existing ordinance that should be changed. Mr. Rolfes referred to the section referring to designated parking places on a private lot and suggested that we go back and amend it so it is perfectly clear. Mr. Schreiver referred to section 72.02 Section D – stating the “City” may establish Diagonal parking on the street. Mr. Henson stated that Section E states that “it is unlawful to park such vehicle that any part there shall extend beyond the lines marking the side or rear of the space assigned to one vehicle” and we do not have lines in the rear and believes this is where the incongruity was. He agreed with Mr. Schreiver that we should not have asked St. Pius if they wanted us to enforce this; they should have come to us if they had a parking issue. He also agreed that this section should be clarified. Mr. Spears stated that our focus is on fire lanes and handicap parking. The owner of a private lot can choose to call the city or tow a vehicle blocking driveways, dumpsters, etc. Mr. Henson said a private owner could post a sign stating the right to tow. Mr. Rolfes will come back with suggested wording for 72.2 E.

New Sign Ordinance – Mr. Rolfes reported that he made four suggested changes and submitted a copy of Dennis Gordon’s response to the recommended changes so council could see where he is coming from. The four suggested changes were:

- Not limit the number of temporary signs to be posted on a property.
- Put a limit on the time in advance of an event that signs could be posted to 60 days (that is clearly documented as being a legal problem relevant to the first amendment). A suggested definition was a permanent vs. a temporary sign. We should rely on something like that to try to enforce the placement of these signs.
- 75 % of the area of the sign could be changeable message.
- No signs on a vacant lot.

Jeff Schreiver referred to the 1st change and stated the aesthetics seem to be the big issue and does not see this as a valid reason to limit the number of signs. Mr. Rolfes said we could have a problem with the third point. He stated that St. Pius would be affected and is not the same as other schools; the law is very clear but he suggested we may be able to work with them if the need ever arises. Mr. Rolfes questioned the 4th change stating the problem seems to be the interpretation because the sign is considered a structure.

Mr. Mike Schoettelkotte, 3079 Prestwicke Dr., addressed council concerning proposals in the zoning ordinance. He brought attention to subdivision entry signs. The new regulations would make them nonconforming because of size and the limit established by the type of street leading to the entry. He advised the section of the ordinance we are proposing to look at is in conflict with another section of our code section (91) of the

codified ordinances that refers to political signs. He requested council to investigate the impact of the sign ordinance on the existing community. Discussion ensued. He advised that preexisting nonconforming signs could be replaced or repaired to original status. Mrs. Quinn explained that "ANY" ordinance in conflict would be repealed and substituted with the new sign ordinance. Mr. Rolfes stated that NKAPC would like uniformity countywide in order to deal with the existing and potential problems. He also advised that the court has ruled that dealing with political signs specifically is no longer permitted. They ruled that signs must be Content Neutral.

Mr. Schreiver commented on the letter they received concerning changing the provision in the single or two family residential zones. Their concern was change in the residential zones only (we changed all zones) but they will enforce whatever we pass. Mr. Henson's only concern was the limiting of time. He proposed that we go back to what was originally suggested since we know it will pass because it is legal. Mr. Spears addressed the existing non-conforming sign and asked what the process would be to repair or replace it and who would enforce it. Mayor Link said there is no process to repair but to reassemble would require taking plans to Area Planning and at some point, the Board of Adjustment. Discussion pursued and Mr. Henson suggested taking this up at the next meeting in order to further investigate several issues. Mr. MacMillan clarified on the "time" issue that, if we go back to the original way it was written, it has to come down seven days after the event (which is three days less than the current ordinance).

Update on Cable Board – Mr. Henson advised that Cincinnati Bell is seeking a franchise to begin putting in cable television service in the Northern Kentucky Area. He asked council if they had any issues or questions to take back to the board. He also informed that the Cable Board put in a new feature and they now have from their website screening live Ch. 15 continually for those who wish to have it. They also have video on demand. You can go to TBNK.org website and click at the bottom for live screening or video on demand. He listed many of the things that are already out there. Another issue the Cable Board is trying to do is doing replays, at least two or three. Saturday night at 7:00 p.m. is one of their targets for Edgewood Council meetings. He added there will be the exact same number of channels (7).

NEW BUSINESS

New Interlocal agreement for business license tax collection – Mr. Rolfes said Judge Drees announced the county is going to start charging the 2% effective October 1, 2008. The options are to accept the new agreement or not and leave. This would not require a budget adjustment. Mr. Schreiver did not like agreeing to something when he does not know the outcome he also felt this was an odd time to raise tax just so Covington gets money. Mr. Rolfes explained that this is only for those who choose to buy countywide licenses and, even with the purchase, they are still saving more than if they bought the individual license. Covington is offsetting the \$25 to the people they control by adjusting some other tax. The biggest concern is the threat that if the state passes a law, they are going to collect the business license tax; we are going to lose a substantial portion of our revenue. This time we can report back to the General Assembly that we have made improvements and all the cities are in. He cited examples to bear in mind where we were held harmless by the state and we are down considerably. Mr. Rolfes responded to Mr. Schreiver that the county was collecting \$175 for the countywide business license. The

formula is going to be redone, and we will get a portion of that money which raised our business license tax revenue; only the transient type that were impacted. He also explained that you cannot come up with a good formula to try to distribute the money with an entity as large as Covington. The new formula will be part of the document, and since the rate hasn't changed in 15 years, raising it \$25 overall is not a bad deal. The other \$25 goes to Covington and by adding that on, the jurisdictions remain reasonably whole. Some cities will gain and some will lose and the incentive for adding more money the loss will not be as great. Mr. Schreiber said he does not know what effect this will have and would like it figured out before it is signed. Mr. Rolfes stated the two objectives: This is the best effort to try to keep all cities whole and make it easier on the business community, and keep it low and still get as much, if not more, money than before. The Legislation considered by the state will primarily impact Northern Kentucky. Mr. Rolfes responded to Mrs. Atkinson that the Edgewood charge is \$50; we will get a certain percent of the total countywide license fund. Now that it is a total system, we may not get all that much, but the amount of the total business license that we receive went up when they put this in. Their task is trying their best to keep all the cities balanced. Another task is going to be a countywide transient payroll tax rate (one rate that will also balance out). Discussion ensued. Mr. Rolfes informed council the formula will be based on population and the number of businesses, and the 2% is an increase in expenses, not taxes.

ANNOUNCEMENTS

- MGLNK meeting will be 11/15/08 at Triple Crown Country Club
- Halloween hours are Oct. 31st from 6:00 PM to 8:00 PM.
- The Fire Department will also distribute candy on the 31st.

ADJOURNMENT

Mrs. Atkinson made a **motion** to adjourn at 8:30; second by Mr. MacMillan. **Motion passed: 6 ayes – 0 nays**



Mayor John D. Link

Attest:



Mary Jane Lucas, Sr. Deputy Clerk

Date passed: 11/3/08