

**CITY OF EDGEWOOD
COUNCIL MEETING MINUTES
March 7, 2011
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: Jeff Schreiber, Steve Jaeger, Joe Messmer, Nancy Atkinson, Dale Henson and Ray Spears. Also in attendance were City Attorney Frank Wichmann, City Administrator Doug Beckham and City Clerk Jeanette Kemper. Chris Link was absent.

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – Mr. Schreiber asked that the zoning ordinance text amendment request that had previously been deleted from the agenda remain on the agenda for discussion; Mayor Link said he'll move it to Unfinished Business.

APPROVAL OF MINUTES – February 7, 2011 Meeting Minutes – Mr. Schreiber made a **motion** to adopt the February 7, 2011 meeting minutes as written; second by Mr. Jaeger. Mrs. Atkinson abstained. **Motion passed: 5 ayes – 1 abstention.**

REPORT/PRESENTATIONS

Mayor's Report – Mayor Link read a plaque for retired treasurer Joe Linton (who was not in attendance) thanking him for 28 years of service.

Mayor Link announced that he is on the advisory board for HealthSouth and they recently welcomed new president/CEO, Mr. Richard Evans, who just came from the Cleveland area.

Mayor Link recognized a boy scout in the audience; Fred George of Troop 779, introduced himself and stated that he was in attendance as a requirement for his communications merit badge.

Mayor Link said the Mystery Dinner was held over the weekend and the event was a success; he thanked all those involved.

Administrator's Report – Mr. Beckham reported that he continues to have orientation with city staff and council members; he's met a lot of people in the community as well. He was advised of a trip and fall incident last week on Colony Drive; temporary pavement repairs were made with a permanent repair to be made in the near future. The city has hired Mr. Mark Manning for the General Services Department; he'll start the entry level position on March 14th. Mr. Beckham spoke with Mr. Goeke, who lives across from Presidents Park, and who expressed concern with the clock tower noise. Mr. Goeke is very satisfied with the improvements that the city made.

Staff Reports – Council reviewed reports from the following staff members: City Administrator, City Clerk, Fire/EMS, General Services, Police, and Recreation. Mr. Schreiber asked if there were any issues with the ambulance; Asst. Fire Chief Tom Dickman said there have been issues with the front brake system and electrical system.

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

UNFINISHED BUSINESS – **Zoning Ordinance Text Amendment request for Foltz property** – There has been a request for a text amendment for the Foltz property on Dudley Road (west of Fedders Feed and Seed). The request is to change the zone to allow beauty salons as a permitted or conditional use; it is currently allowed as an accessory use. The client is interested in constructing a beauty salon/day spa on the property.

Mr. Schreiber stated that is the second time in a year that this has come up and all of the residents have had to come up and speak against it; he wanted to let the administration know that most or all of council is against any kind of zone change on that property. He asked that if administration is aware of such further request to advise the client immediately that it will probably be a no; Mr. Messmer concurred. Mr. Jaeger said to advise the surrounding residents what the zoning exactly is for that parcel, which is Professional Office, and when something does come up for that, it may satisfy the zoning requirement and the city may not have much they can do about it either. Mr. Jaeger also agreed with Mr. Schreiber.

Mr. Spears asked why the issue was removed from the agenda; Mr. Beckham stated that the owners aren't prepared to present it at this time and they requested to come back at a later date. He will advise them of council's wishes. He also stated that within that zone, office buildings are a permitted use and beauty salons are an accessory use, as long as it is located within an office building. So, if there were an office building on the property then a beauty salon or barber would be allowed in the building.

An unidentified woman in the audience asked council if there would have to be an amendment to allow beauty shops or barber shops to go in; Mr. Beckham said if there is an existing office building then the N KY Area Planning Commission (NKAPC) would have to allow it because it's an accessory use and does not require any hearing. The woman said that defeats having specific rules and regulations if a building can go in that you do allow and then this goes in; Mr. Beckham said this is the regulation that is already in the zoning ordinance. The woman said the people/residents do not oppose the land being used for how it is zoned as long as amendments don't go in under some other regulations.

Mr. Wichmann reiterated Mr. Beckham's earlier comments and defined the property's zone and what's allowed; which is Professional Office and then there are permitted, conditional and accessory uses which describe what is allowed. If someone presents plans and those plans conform to the ordinance then NKAPC are obligated to issue a building permit. Basically, those uses would include anything where a professional license from the State of Kentucky is issued.

An unidentified man asked if a teacher could open a business as a tutor; Mr. Wichmann said yes.

Mr. Wichmann stated that council could always amend the ordinance to delete any accessory uses that they're opposed to. Without the office building then those accessory uses cannot be there free standing. If it is changed it would affect all parcels zoned professional office in the future; Mr. Beckham will look into the other uses and see if there are others that council may want to remove and he will look at other areas in the city that are zoned the same and see if there would be any impact for future construction. Council agreed that they would like to remove beauty salons as an accessory use. Those currently in place are grandfathered in and would have no impact on them; so any undeveloped PO space would be affected.

Mr. Jaeger asked what the main problem was with this request and why are we against this; if a beauty parlor is in an office building you may not know it's there from the outside. Mr. Henson quoted from the ordinance "that no exterior advertising displays for any of the accessory uses shall be visible from the outside of the building" so, you wouldn't know it was there.

Bob Pohlabein, 103 Beech, believes sooner or later something will be developed on the property and stated that traffic is the concern. He asked if a business goes in can the traffic be directed towards Barnwood in lieu of Dudley; Mayor Link said we can direct them as to what this development should look like. They have an engineer working on their plans and they will present those to the city in the near future. Mr. Wichmann said when a map amendment is done then you can put those types of conditions on it, such as the driveway coming off of Barnwood. The client is asking for a text amendment to include beauty salons, not as an accessory use, but as a permitted use in that zone; if that is granted then all they have to do is meet all of the building requirements for a salon. So, a text amendment is one that we cannot dictate conditions or you could allow it as a permitted use but only with access somewhere other than Dudley Pike.

Mr. Henson said he will not vote in favor of their request.

Mr. Schreiber asked if the residents would give the city their contact information so that the city could advise them of information and meetings; emails were received and the city will save those for future notifications.

Larry Kremer, 91 Dudley, asked if the section of that property around Foltz Drive is the only section zoned PO, and is the frontage along Dudley zoned Single Family. Mayor Link said it is divided; council asked Mr. Beckham to bring a map to the next meeting to show the zones. Mr. Kremer said he didn't believe the people on Dudley would object to a very small office building on the circle near Foltz Drive because there is still room for homes along Dudley. He said the goal they have always had was to keep the residential appearance on Dudley.

NEW BUSINESS – COLA for FY 2011/12 – Cost of Living Adjustment (COLA) figures, from multiple sources, were distributed to council; the Department for Local Government's figure is 1.5% which is the source for obtaining the figure that the city is to use per ordinance 34.001. Council expressed that they would like to remove that source

from the ordinance and would rather it say "an amount to be determined by council". The ordinance will be amended within the next three months. Council agreed to go with the 1.5% rate. Mr. Spears said that he would like to see the pay ranges increase to follow and keep pace with COLA but council should determine the amount of the increase annually. Mr. Henson said if the future council was to grant less than COLA then the ranges would be high but the employees wouldn't be. Mr. Spears said he wants to increase the maximum pay range by COLA not the entire range.

Renaming of Highway 17 – Mr. Beckham attended a meeting at NKAPC and they are looking at possibly renaming Old KY 17 due to the mishandling of 911 calls in that area. The road has several names now. They're creating a committee of all cities involved to create a new name; council concurred with the idea and said it is needed. Mr. Wichmann said it'll be a lot of work for the residents who live there; they'll have to change their address on all of their accounts.

ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS – Municipal Order 2011-04 declare the 2000-2009 KRS books as surplus property. Mr. Henson made a **motion** to adopt Municipal Order 2011-04; second by Mr. Messmer. **Motion passed: 6 ayes – 0 nays.**

ANNOUNCEMENTS

- Proclamation 2011-02 was issued proclaiming Brain Injury Awareness Day for March 16.
- Senior Expo will be held Thursday, March 10th at the senior center 2-4 pm; all seniors welcome.
- Mad Science will be held at the senior center on March 19th at 2 p.m.; ages 5-12; limited to 100 Residents; pre-registration is required, event is free.
- Edgewood Fire/EMS Fish Fry runs from March 11th to April 22nd at the Senior Center, 5 – 8 p.m.

Norbert Meyer, 3118 Locust Hollow, asked about the Vial of Life program. Asst. Fire Chief Tom Dickman explained the program is available to all residents and it consists of paperwork that includes medical information and placed in a vial then put in the refrigerator. They are also given a magnet to place on the outside of the refrigerator which alerts emergency personnel that the medical information is in the refrigerator. They have another program called "ICE – In Case of Emergency" and they ask everyone to put this in their cell phones with contact name and number of someone to call in case of an emergency. It was suggested to put it in the next newsletter.

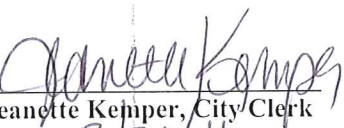
EXECUTIVE SESSION – per KRS 61.810(1)(b) acquisition or sale of real property. Mrs. Atkinson made a motion to enter into executive session at 7:31 p.m. per KRS 61.810(1)(b) acquisition or sale of real property; second by Mr. Spears. Motion passed: 6 ayes – 0 nays.

Mrs. Atkinson made a motion to exit executive session at 7:44 p.m.; second by Mr. Messmer. Motion passed: 6 ayes – 0 nays.

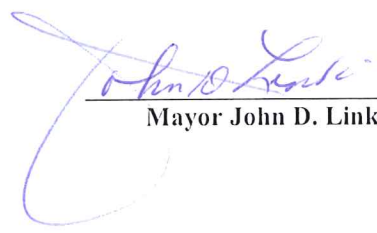
ADJOURNMENT

Mr. Jaeger made a **motion** to adjourn at 7:44 p.m.; second by Mr. Messmer. **Motion passed: 6 ayes – 0 nays.**

Attest:


Jeanette Kemper, City Clerk

Date passed: 3/21/11


Mayor John D. Link