

**CITY OF EDGEWOOD  
COUNCIL MEETING MINUTES  
July 17, 2023  
6:30 PM**

**CALL TO ORDER** – Mayor Link called the meeting of the Edgewood City Council to order at 6:30pm. The following council members were present: Ben Barlage, Darla Kettenacker, Jeff Schreiber, Scott Spille, Rob Thelen and Kim Wolking. Also, in attendance were City Administrator Brian Dehner, City Clerk Belinda Nitschke, and City Attorney Frank Wichmann. Joe Messmer was absent.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA** – Kurt Hanscom, 232 N. Colony – Mr. Hanscom stated he requested the budget through an open records request and it was denied. He appealed to the Attorney General and the budget was released to him after the budget was passed. Mr. Hanscom does not think the city is transparent and would like that removed from our website.

Andria Humpert, 12 Swarthmore Drive - Ms. Humpert asked the mayor and the council members about the repeal of Ordinance 1980-23. Mayor Link responded that they would discuss it during the appropriate time on the agenda.

Council member Scott Spille arrived at 6:34 p.m.

**APPROVAL OF AGENDA** – Approved

**APPROVAL OF MINUTES** – June 5, 2023 Council Meeting Minutes – Mrs. Wolking made a **motion** to adopt the June 5, 2023 minutes as written; second by Mr. Barlage. Mr. Spille and Mr. Thelen abstained. **Motion passed: 4 ayes – 2 abstentions.**

June 26, 2023 Special Council Meeting Minutes – Mrs. Wolking made a **motion** to adopt the June 26, 2023 minutes as written; second by Mr. Thelen. Mr. Spille abstained. **Motion passed: 5 ayes – 1 abstention.**

**REPORT/PRESENTATIONS** – Mayors Report – Mayor Link thanked everyone for the 4<sup>th</sup> of July events. We had 1,034 runners and approximately 200 walkers in the 5K race and a large crowd for the fireworks. Mayor's meeting was held at the City of Elsmere on Saturday in their new building. They discussed road developments in the area and roads that are being ignored. The mayors are putting together a road plan to submit to Senator Chris McDaniel. SB47 (medical marijuana regulation) was also discussed since this issue is to be determined by each city due to home rule and goes into effect in 2024. Mayor Link attended the Golden Age Social Club meeting to swear in their new officers. The City of Edgewood is named One of the Best Places to Live in America by 24/7 Wall St.

Staff Reports (May & June) – CAO, City Clerk, Fire, General Services, Police & Recreation – Chief Dickman stated that the fire department took delivery of the new pumper and after outfitting it will be in service by next week and the new ambulance is in Columbus and anticipate it to be in service by next week after outfitting. Mr. Lunnemann gave an update on the Dudley Road storm sewer at Lawrence Drive. The engineer and SD1 had to redesign the project due to a concrete encased utility conduit in the wrong location and the project will restart in 7 days. Mr. Lunnemann updated council on the landslide at Horsebranch that is anticipated to start this week. This is a joint 50/50 project between the City of Edgewood and City of Crestview Hills. The project will take approximately 3 - 4 weeks weather permitting.

**UNFINISHED BUSINESS** – None

**NEW BUSINESS** – None

**ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS** – Resolution 2023-04 Adopting the Kenton County Emergency Operations Plan. Mrs. Wolking made a **motion** to adopt Resolution 2023-04; second by Mrs. Kettenacker. **Motion passed: 6 ayes – 0 nays.**

**Municipal Order 2023-04 Surplus 9 General Services items.** Mrs. Wolking made a motion to adopt Municipal Order 2023-04; second by Mr. Schreiber. Motion passed: 6 ayes – 0 nays.

**Ordinance 2023-07-06** TBNK Franchise Agreement with Spectrum – 1<sup>st</sup> reading. Mr. Wichmann read the ordinance: **AN ORDINANCE OF THE CITY OF EDGEWOOD, 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 EDGEWOOD; 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.**

**Ordinance 2023-07-07 – Repealing Ordinance 1980-23 Regarding Annual Budget – 1<sup>st</sup> reading.** Mr. Wichmann read the ordinance: **AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY KENTUCKY REPEALING ORDINANCE 1980-23 RELATING TO THE ANNUAL BUDGET OF THE CITY.**

Mr. Wichmann stated that this ordinance is being introduced in response to questions about the city not following their ordinances. Mr. Wichmann reviewed the ordinance and determined that many provisions of the ordinance conflict with state statute and the constitution in the adoption of the budget. Mr. Wichmann determined that repealing the ordinance would be the best action. The ordinance conflicted with state statute on the procedure to adopt a budget. You cannot add provisions that conflict with the state statute requirements or constitution. Mrs. Kettenacker asked for clarification on the conflicts with the state statute. Mr. Wichmann stated that the state statute states to adopt the budget a certain way and the ordinance states to do it another way. Mrs. Kettenacker stated that the KRS's procedure is the bare minimum but that the city can add additional requirements for transparency. Mr. Wichmann agreed that council could add additions, if they wished. Mr. Dehner stated that ordinance 1980-23 states a fiscal year of January 1 – December 30<sup>th</sup> by state law the fiscal year must be July 1<sup>st</sup> – July 30<sup>th</sup> per KRS. Mr. Dehner stated that Mr. Wichmann's memo goes over many of the inconsistencies of the old ordinance with Kentucky statutes and the constitution and why it should be repealed. Mr. Dehner stated the ordinance is null and void and no longer in compliance with state law. Mr. Spille asked council if as a body they wanted to repeal the conflicting ordinance and then adopt a new ordinance with the sections regarding transparency. Mr. Thelen stated that the old ordinance would need to be repealed prior to a new ordinance being adopted, it is a two-step process and could be done anytime between now and the next budget cycle. Mayor Link stated that he put out the budget in the state of the city address. Council discussed the possible budgeting process. Mr. Wichmann explained the process of open records and that draft documents are not subject to open records but becomes an open record when it is finalized but there is an exception for the budget and that it is a separate issue than the budget process. Mayor Link proposed to publish his final recommendation of the budget on the website once it is presented to council and it was suggested that a public hearing also be held.

Ms. Humpert, 12 Swarthmore – stated that everything heard in regards to the budget is very positive. She stated that in previous meetings she has come away questioning council and wants the meetings to be more inclusive. She wanted more information on how her hard-earned tax money was being spent and that council not lose their way.

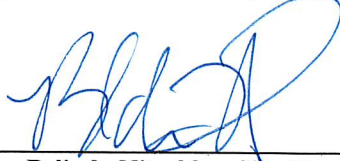
#### **ANNOUNCEMENTS**

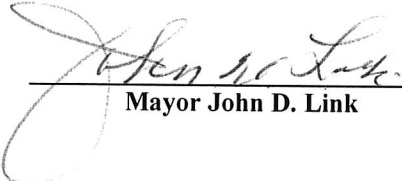
- Tuesday Night Concert Series continues with Velvet Soul tomorrow night July 18<sup>th</sup>, Hoopty on July 25<sup>th</sup>, and Elvis at the Senior Center on August 1<sup>st</sup>.
- Mayor's Golf Outing is August 4<sup>th</sup> at The Golf Courses of Kenton County – golf outing is full!

- Edgewood Night at Erlanger Putt Putt August 13<sup>th</sup> from 4-6:pm – residents must show proof of residency for two free games.

**ADJOURNMENT**

Mr. Barlage made a **motion** to adjourn at 7:37 p.m.; second by Mr. Spille. **Motion passed: 6 ayes – 0 nays.**

Attest:   
\_\_\_\_\_  
Belinda Nitschke, City Clerk

  
\_\_\_\_\_  
Mayor John D. Link

Date passed: 8/7/23