

CITY OF EDGEWOOD
COUNCIL MEETING MINUTES
May 2, 2005
6:30 P.M.

CALL TO ORDER - Mayor Link called the meeting of the Edgewood City Council to order at 6:30 p.m. in council chambers of the Edgewood City Building. The following council members were present: Bill Grady, Mark Steffen, Jeff Schreiver, Dale Henson, Nancy Atkinson and Ray Spears. Also in attendance were City Administrator Roger Rolfes, City Attorney Frank Wichmann and Sr. Deputy Clerk Mary Jane Lucas. Scott Guenther was absent.

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – Mr. Grady added item # 12, condition of Charter Oak and property on Dudley hill.

APPROVAL OF MINUTES – Mr. Spears made a **motion** to adopt the April 18, 2005 as written; seconded by Mr. Henson. Mr. Schreiver abstained. **Motion passed: 5 ayes – 1 abstention.**

REPORTS/PRESENTATIONS

Mayor's Report - Mayor Link announced the upcoming visit from four members of the Alpha Company, our adopted unit, to the city on Monday and Tuesday, May 9th and 10th. They will also be visiting the schools and he invited council to stop by and greet the troops. The new city pin was introduced and Mayor Link pointed out that Edgewood Kentucky was on them for the first time.

Administrator's Report – None

Staff Reports – Council reviewed reports from the following staff members: City Administrator, City Clerk, EMS/Fire, General Services, Police, Properties, and Recreation. Mr. Steffen asked when the new walking trail in Freedom Park would be completed. Stan Goetz said by the end of next month. Mrs. Atkinson asked how wide it would be and Mr. Goetz replied eight feet. Mr. Schreiver asked if Dudley Road was included on the street list; Mr. Goetz said it was on the survey. Mr. Schreiver said the section between Brookwood and Winding Trails looks bad. Mr. Spears asked where Brookwood Circle stands. Mr. Goetz said he is waiting on the water Department and is sending them a letter telling of his actions. Mayor Link stated that they are putting in new water and sanitation lines. Hank Fedders and Stan are designing it and it is also on the water company's list of lines to be replaced this year. Mr. Rolfes reported that they are only going to do half of Brookwood Circle this year from Brookwood, down past Dottie Lane and up past the catch basin. The second part would be picked up the following year. Mayor Link said there were easements and engineering problems. He reminded council of the \$50,000 they approved last year to do an engineering study and the drawings are done. He explained that we are a little slower because of all the utility work. Mr. Goetz stated that this is the oldest subdivision and will need underground utilities. Mayor Link said there are delays because the utility companies asked the city to do the drawings; Mr. Fedders did the drawings and made modifications. Mr. Schreiver asked if that included the widening of Dottie. Mr. Goetz said no. Mr. Schreiver said that sometimes turning from Brookwood onto Dottie is not wide enough for two cars. Mr. Goetz stated that a lot of the time they would widen the radius where it turns. Mayor Link said that Dottie would be left alone other than they would widen the radius where it turns. Mr. Goetz said that it is worse on Brookwood and Brookwood Circle and they were going to expand as much as they could. Mr. Spears asked if there is anything we could do to make it better. Mayor Link said one thing we could do is flare the entrance and exits but not change the width of Dottie Lane. Parking pads will be put in at the older homes on Brookwood Circle so they can park off the

road. Mr. Spears inquired about the street bidding and the Barrett Paving bid that was low but incomplete. Mr. Goetz stated that they did not include the bid on the Tutman Lane traffic signal loop that changed two lights. Mayor Link asked for patience with the construction on street and sidewalk repairs.

CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA

None

UNFINISHED BUSINESS

Facilities Update – Mr. Rolfes reported that it is progressing well and expects to see significant activity on the exterior of the building this week; the last wall is half way up; the mock up of the masonry has been moved outside of the building, and hopefully by the next meeting, we will have access to take a walk through before the meeting.

Charter Oak and vacant lot on Dudley hill- Mr. Grady stated that on Charter Oak the truckers are putting a lot of dirt to fill a big hole and have broken down the surface of the road where they enter; it seems to be extensive damage. He asked what provision we have to charge these people that do damage to the road. Mr. Goetz reported that he talked to Mr. Tom Schreiber, the contractor hauling to the building site. He will have it repaired and he and Stan are deciding how they want to do it. Mayor Link said normally the contractor is responsible, or we will repair it and those charges are sent to them after it is done. If they are building, and tear up the sidewalk, then they put a new one in. Mr. Grady also stated that the road is deteriorating due to construction trucks with all the building going on. Mayor Link said the roads are also used for trucks and moving vans and it is part of doing business; we as a group have to sit down and figure out how we are going to budget to get all these roads fixed. Discussion was held concerning the vacant lot on Dudley hill. Mr. Grady stated he doesn't see a lot of improvement: storage of the culvert pipes, the lot is not paved, and there are fewer trucks but it is still an eyesore. Mr. Rolfes said Mr. Barger made contact with the property owner and explained all the changes that need to be made and gave them thirty days to be compliant. They are starting on it but it takes time. Mayor Link said Area Planning would be watching them. If more time is needed and if we know the progress, and he is moving the pipe out, then they are asking for written documentation that it will happen.

NEW BUSINESS

ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS

Resolution 2005-02 in regard to tobacco smoke in the work place – Mr. Wichmann read the resolution. Mr. Grady suggested we specifically send this resolution to at least the counties and the major larger cities in the four counties, and the cities that touch our boundaries, for example Ft. Wright, Crestview Hills, and Erlanger. He also added Cincinnati, Newport, Covington and Florence. Mr. Schreiber said he had a problem with government trying to tell other people what to do; he could not get over that. He had an issue with passing this because somebody can't judge for themselves what they think is right or wrong. Mr. Steffen took exception with some of the things in the resolution. He read the part that said that we recognize many people in the workplace are involuntarily exposed, and he felt that was factually incorrect. He said people know that if they are going to work in a bar that they are working in a bar. He also was concerned with the section that read that circumstances preclude people from changing jobs to avoid it; he disagreed with that, saying people can go work somewhere else. He thought there were factual inaccuracies in the resolution. He said that it won't apply to the workplace with less than three full time employees, and if he owned the Edgewood Tavern and had 4 full time people, he might fire two and hire part timers.

Mayor Link said there are 11 states that have done this, as well as Lexington and other cities. Mr. Spears stated that the government makes laws against people's rights all day long for the common good. He could not concede any factual inaccuracies, did not know the individual situations, but thought that it hit all the appropriate issues. He also said that just as the health concerns the rights of non-smokers, it does address the potential job loss and economic impact, but more importantly the implementation, which is always key in that it has to be regionally implemented to be fair and effective. If it catches on, no one will be at a disadvantage. Mr. Grady did not agree that this is government intruding and referred to the FDA, pharmacy companies, and health dept. He thought that if the workers had to work in any business, not just restaurants and bars, they shouldn't be subjected to smoke because it is a dangerous thing. Furthermore, he did not feel that it was too strong, just a resolution, and did not intrude on people's rights, but it essentially is intruding on the rights of people that don't want to smoke and have to work in these places. Mr. Spears said the U.C. campus recently passed a non-smoking ban. Mr. Schreiber stated that he is against smoking, did not smoke and could not think of one place that allowed smoking inside besides the two bars and restaurants that were named. Mr. Steffen said he got a letter from someone who works in Edgewood Tavern who assumes both the risks and rewards. He explained that he is against smoking but he does not think it is factual to say that people are involuntarily exposed to this, or precluded from leaving, and that some of the wording needs to be changed. Mr. Henson suggested taking out the word "involuntarily" and not change the meaning of the resolution. He also suggested inserting the word "may" in front of preclude many employees, to make it more palatable. He added that he struggled with government regulations for the common good, that he did not want to put business at a competitive disadvantage, and agreed it should be on a regional basis. Mr. Steffen asked if he still wanted to exempt business with less than 3 full time employees. Mr. Grady did not see anything wrong with making it more lenient. Mr. Steffen felt that it leaves room for unintended consequences; if other bars had more employees and can't smoke, and he had 4 employees and laid off 2, then he could have people smoke in his bar and that would give him an advantage. Mr. Grady said it would make it tougher by taking it out. Mark asked council, "If you owned a restaurant that was thriving and allowed smoking, or you owned a bar that was thriving and allowed smoking, and you are in that business and your livelihood depended on this, would you vote for it?" Mr. Henson said yes, and explained that if it was on a regional basis. Discussion was held and Mr. Steffen said he did not think this was the kind of thing we should be doing. Mr. Schreiber stated that he did not think the four counties are going to pass it, saying all the government regulators we are talking about are federal and statewide. He said there is nothing to worry about right now because you can't go and smoke inside anywhere, except in a bar or restaurant, and he felt that Mr. Henson's comments about self policing seem to be working without government interference. Mrs. Atkinson thought when Mr. Wichmann was asked to draw up this resolution that council was just going to take a stand saying that they don't like smoking, but it was not something they were going to legislate unless everyone else in the entire region also went with it. She said we were just stepping up and taking a stand and she felt that was exactly what he was presenting them with, something we asked for. She added that the other counties may not have introduced this yet and it was just something we are going to send out to them. We could send it out to the other cities; if people want to do anything with it then they will take it up with their cities. She agreed it should be a regional thing and did not feel they were trying to pull it off with just Edgewood. Mayor Link addressed the audience and stated that this is a resolution and not an ordinance. There are two distinct differences between the two. He said we are just trying to be the leader but at the same time not with an ordinance enforcing something, just advising something we feel should be done.

Mr. Grady made a **motion** that the city send out the resolution with changes, taking out involuntarily and add the word may; seconded by Mr. Spears. Mr. Schreiber and Mr. Steffen voted nay. Motion passed: 4 ayes – 2 nays.

As instructed by council, Mayor Link said the resolution would be mailed to the surrounding cities and four counties, as well as present it to the next Mayor's Group meeting next Saturday.

Ordinance 2005-04-05 adopting codification of the ordinances for 2003 and 2004 – 2nd reading – Mr. Wichmann read the ordinance: AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF EDGEWOOD, KENTUCKY. Mr. Henson made a **motion** to adopt ordinance 2005-04-05; seconded by Mr. Spears. **Motion passed: 6 ayes – 0 nays.**

ANNOUNCEMENTS

- Executive Order 2005-02 appointing David Schacherer to the Tree Board.
- Executive Order 2005-04-05 appointing Jeanette Kemper to the city pension board.
- Play cards with the seniors at the Edgewood Senior Center every Tuesday at noon.
- Memorial Day Ceremony – May 30 at 10 a.m. in Freedom Park. Rep. Jon Draud will be coming.
- Alpha Company, our adopted unit, will be visiting the city and local schools on May 9 and 10 to thank everyone for their support.

ADJOURNMENT

Mr. Spears made a **motion** to adjourn at 7:15 p.m.; seconded by Mrs. Atkinson. **Motion passed: 6 ayes – 0 nays.**

Mayor John D. Link

Attest: _____
Mary Jane Lucas, Sr. Deputy Clerk

Date passed: _____

BUDGET PRESENTATIONS – Tony Kramer reported for the Police Department, Joe Messmer reported for Fire/EMS, and Kim Wolking reported for Recreation.