

CITY OF EDGEWOOD  
COUNCIL MEETING MINUTES  
JUNE 14, 2004  
7:00 P.M.

**CALL TO ORDER** - Mayor Link called the regular meeting of the Edgewood City Council to order at 7:00 p.m. in council chambers of the Edgewood City Building. The following council members were present: Bill Grady, David MacMillan, Mark Steffen, Ray Spears, and Scott Guenther. Also in attendance were City Attorney Frank Wichmann, City Administrator Roger Rolfes, and City Clerk Jeanette Kemper. Dale Henson and Jeff Schreiber were absent.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** – Mr. Steffen asked that after approving ordinance 2004-06-07 changing the date and time of council meetings which goes into effect Monday July 5<sup>th</sup> which is also the holiday for the 4<sup>th</sup> of July, would we have to announce that there wouldn't be a council meeting on the 5<sup>th</sup> due to the holiday, Mayor Link advised that was correct.

**APPROVAL OF MINUTES – May 24, 2004 minutes** - Mr. Guenther requested to add the following statement to the May 24, 2004 minutes page one under "Field Usage Update" discussion – "Mr. Guenther stated that it was his experience as a baseball coach and having two kids playing soccer that it was more difficult to get a practice time on a big ball field for a baseball team than it was for a soccer field"; and on page three paragraph three add "Mr. Guenther thought that most of the taxpayers in the City of Edgewood would prefer to have more street repairs, sidewalks and perhaps lower taxes than create a new building assuming that other functional facilities could be provided at a substantially lower cost". Mr. Spears added the following change to page one under "Field Usage Update" line three "Mr. Spears said the park issue needs to be based upon who is using the fields and on what level". Mr. Guenther made a motion to adopt the May 24, 2004 with the above corrections; seconded by Mr. Grady. **Motion passed: 5 ayes –0 nays.**

**Municipal Aid Road Fund (MARF) minutes May 24, 2004** - Mr. Guenther made a **motion** to approve the minutes as written; seconded by Mr. Steffen. **Motion passed: 5 ayes – 0 nays.**

**Special council meeting June 1, 2004 minutes** – Mr. Guenther made a **motion** to approve the minutes as written; seconded by Mr. Steffen. Carol Baute, 3011 Edge Mar, stated she came as a representative to the June 1<sup>st</sup> meeting and missed the meeting because the time had changed. She said the Dixie News had published the meeting time as 7 p.m. when it had actually started at 6 p.m. The editor of the paper said they were not informed of the time change. Mrs. Baute wanted to represent people from St. Pius and Hinsdale at that meeting regarding the vote on the city building bonds. Mr. Steffen stated that he made the motion to schedule the meeting at 6 p.m. at the May 24<sup>th</sup> meeting, the time was *not changed*, it was originally scheduled for 6 p.m., it was never scheduled for 7 p.m. Mrs. Baute said that council had voted for the bond issue with a lot of the public not being aware, who is now sending her to tell council that they want a meeting again, they want to be able to tell council how they feel. There are a lot of people for it and a lot against it. Mr. Wichmann advised Mrs. Baute that the City Clerk advised him that a Special Meeting notice, which indicated that it was at 6 p.m., was faxed to the Dixie News; the city acted properly by notifying them and if they misprinted the time of the meeting the city is not responsible. Jeanette Kemper, City Clerk, advised that all local papers (Kentucky Post, Kentucky Enquirer, Dixie News, and the Community Recorder) were notified by fax. Mr. Wichmann advised the city did what it was supposed to do and those meetings were valid meetings and what was done at those meetings are valid actions of the council, council couldn't even rescind it now because consequences have already occurred as a result of those actions taken at the meetings. Mrs. Baute asked Mr. Grady, Mr. Guenther, and Mr. Spears if they felt the public was well informed. Mr. Grady said he was well aware of the meeting. Mayor Link and a resident in attendance stated that other residents were in attendance at the June 1 meeting and knew about the time; also the meeting notice was on the marquee in front of the city building. A resident in the audience stated newspapers make mistakes for example the Community Recorder just published the wrong information regarding the change for the meeting days and times. Mrs. Baute stated that she paid \$35 to run an ad in the Dixie News requesting Edgewood residents to attend the June 14<sup>th</sup> meeting regarding financing of the proposed building. She further stated the residents want to work with council and she realizes the needs of the departments but wanted to know if it has to cost \$7,000,000. Mr. Steffen said they have been discussing this for 2 ½ years, published it in the newspapers, placed it on the marquee, emails have been sent and they haven't seen a lot of people show up at the meetings. He further stated that the people were informed of this; no one showed up, council made their decision. Mrs. Baute said two letters were sent to the residents one was sent September 24, 2002 and the other was sent May 11, 2004 notifying residents of the projects. Mr. Grady predicted that people would be mad about this, at the end – after the last letter went out, only because the cost increased to \$7,000,000. Mrs. Baute asked Mr. Wichmann if the citizens could file a suit against the city? Mr. Wichmann said yes they can file a suit, they probably wouldn't be successful because the city didn't do anything wrong. Mr. Spears said he shares Mrs. Baute's opinion that the majority of Edgewood residents were not fully aware of what we were doing and in his opinion if most people were there and the residents voted, they would have voted against it. He said he sent an email out to residents to make them aware of what was going on and he believes the city received about 40 responses with the majority against it. Mrs. Baute said they feel gratitude; we're not against each other we're trying to put harmony in it. Mr. Spears said we all agreed that fire and police need facilities but the fact that the paper got the time wrong, he doesn't believe that a whole lot more people would have come to that meeting or that it would have made

a difference to the people that voted in favor of it. Mr. MacMillan said that meeting was over at 7 p.m. and he was here until 7:10 p.m. and no one showed up but Mrs. Baute. Mr. Steffen said when they talked about this at the May 24<sup>th</sup> meeting it came up that they couldn't vote on the bond issue after a contract has been signed, Mr. Grady brought it up. So they decided to have a meeting prior to the contract being signed. He said that if 300-500 people would have shown up, that might have made a difference to him but it didn't happen. **Mayor Link called for a roll call vote for the June 1, 2004 minutes, motion passed: 5 ayes – 0 nays.**

### **REPORTS/PRESENTATIONS**

Mayor Link reported that the NKADD Annual Dinner Meeting will be held on August 16<sup>th</sup> at "Receptions"; MGLNK summer picnic will be held on July 20<sup>th</sup> at the Florence Freedom baseball game at 7:05 p.m.; and the NKAPC annual meeting will be June 30<sup>th</sup> 6 p.m. at Twin Oaks.

Administrator's Report – Mr. Rolfes stated that gravel is being laid in preparation for asphaltting the parking lot at the Senior Center, the interior is coming along nicely, and it will come close to making the projected finish date of June 30<sup>th</sup>. Mr. Rolfes requested that the calendars that were placed in council's packets be turned in tonight. The calendars are for scheduling groundbreaking for the city building and dedication of the Senior Center.

**Staff Reports** – Council reviewed reports from the following staff members: City Administrator, City Clerk, EMS/Fire, General Services, Parks, Properties, Public Safety, and Recreation. Mr. MacMillan thanked the staff for a great job they did moving the offices. Mr. Rolfes added that the General Services department really did a great job not only by helping the staff move but reconstructing the buildings as needed.

### **CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA**

Carol Baute, 3011 Edge Mar, asked if the temporary city building would stay in tact after the new city building is completed. Mayor Link advised that it will be leveled and the property will become a park area.

### **UNFINISHED BUSINESS**

**Brookwood Commons/Schreiber Development** – Mr. Wichmann stated that he has obtained the supporting documentation needed to enter into a settlement agreement that's being discussed. Still haven't finalized the gate issue. Mr. Wichmann asked council if they were ready to approve the settlement as proposed. The concept of the gate has been agreed upon just the specifications haven't been. Mr. Rolfes asked council for some clarification on their requests. Mr. Steffen said they wanted an entrance that was siren activated for police and fire and card activated so that each property owner could allow a certain number of cars to enter as well as guests but it would prevent non-residents from cutting through. In regards to the gate Mr. Rolfes said they were looking at a gate similar to the one at 3L Storage, a wrought iron sliding back and forth gate.

**Facilities Update** – Mr. Rolfes has a pre-construction meeting with Pilot on Wednesday. They will probably start demolition next week. Bond sale should take place June 21<sup>st</sup>.

**Discussion on Advanced Life Support (ALS)** – Mr. Rolfes stated that the county attorney advised that the county couldn't put the tax issue on the ballot. City of Erlanger indicated that they wanted to pull out. They applied for and received a license to operate paramedics in Erlanger. After another meeting last Friday, Erlanger said for the same amount of money already committed by the cities they would attempt to provide paramedic to all the cities who agree to be in it. They would do so by putting paramedic on one of their ambulances and it would operate within the city limits of Erlanger. They would provide one car with an EMT and paramedic 24/7 and a second car with a paramedic only 8-12 hours a day depending on the highest peak times, they were looking at possibly domiciling that car out of Ft. Mitchell. At the next meeting, the group attempted to come up with another idea. Now being proposed, each city would form an ALS district, the law says if you do that they can go ahead and propose a tax that wouldn't be subject to a vote, once each city adopted the same ordinance, imposed the same tax, all the districts would then bind together and form one district then create a board to operate it. Eight of the nine cities presented voted for the concept, Mr. Rolfes did not vote for it because he felt that council would not support that proposal and asked for their opinion. Mr. Guenther asked if the city could join the other cities without imposing the tax. Mr. Rolfes said it's a possibility but he's not for sure. Mr. Wichmann said it could be done potentially by contract or create alternate procedure which is for cities that would enact an ordinance that creates a district and then establishes the tax. When that possibility became known other cities became concerned about establishing a method of taxation that would support the service. This procedure was overlooked in the statutes and since being discovered cities other than Erlanger proposed this alternate procedure. Edgewood was the only city not to express interest in creating the alternate procedure. Mr. Grady wonders if ALS will work for Edgewood, he doesn't think so. We are minutes from the hospital so our residents can drive themselves there. Mr. Guenther

said the city needs to provide the service in some fashion the best way we can without imposing a tax if possible. He said if it comes down to not providing the service at all or providing it with some tax or \$20 per residence, something along those lines which is the number we were looking at at one point, he probably would then be in favor of it. Mr. Steffen agreed with Mr. Grady that if we want to do it long-term put it on the ballot and let the residents decide. Mr. Rolfes said another option would be to do a special property tax, put it on a ballot then let the residents vote on it. Mr. Rolfes will continue to explore options and try to keep coverage in tact past July 1 while trying to work out the best deal and bring it back to council. Mr. Steffen said to go forward, continue talking with TransCare and Erlanger and if we need to put in on the ballot then we will. Mr. Rolfes said we have until August to get it on the ballot. Mr. MacMillan asked what would happen after July 1? Mr. Rolfes said TransCare will start drawing down on the commitment that the cities had made for the next fiscal year and if Erlanger was to take it over for example on September 1, they would take it over for the balance due for the fiscal year.

**NEW BUSINESS** – **Request to purchase fire hose from Summit Fire Apparatus in the amount of \$4,251.24.** Mr. Guenther made a **motion** to approve the purchase of 18 - 50' sections of 2 ½" fire hose from Summit Fire Apparatus at the cost of \$4,251.24 because the item purchased is in the best interest of the public and the city due to price; seconded by Mr. Grady. **Motion passed: 5 ayes – 0 nays.**

**Approval of Summit invoice, \$917.56 for an emergency repairs to unit #152.** Mr. Rolfes stated that the valves were leaking on the tank of unit #152. Mr. Guenther made a **motion** to approve the purchase of parts and labor from Summit Fire Apparatus related to repairs to unit #152 the door latch and overhauling the tank and the pump valves at a cost of \$917.56 because Summit Fire Apparatus was the company that could provide that service on an emergency basis and it was in the best interest of the public and the city; seconded by Mr. Steffen. **Motion passed: 5 ayes – 0 nays.**

#### **ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS**

**Ordinance 2004-06-07 Changing the time and date of the regular council meetings** – 2<sup>nd</sup> reading. Mr. Wichmann read the ordinance: AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, CHANGING THE TIME AND DATE OF THE REGULAR MEETING OF THE CITY COUNCIL OF EDGEWOOD FROM 7:00 PM ON THE SECOND AND FOURTH MONDAY OF EACH CALENDAR MONTH TO 6:30 PM ON THE FIRST AND THIRD MONDAY OF EACH CALENDAR MONTH. Ordinance will go into effect July 2004. Due to the holiday on Monday, July 5<sup>th</sup>, there will not be a council meeting therefore the first council meeting will be held on July 19<sup>th</sup>. Mr. Grady made a **motion** to adopt ordinance 2004-06-07; seconded by Mr. Steffen. **Motion passed: 5 ayes – 0 nays.**

**Ordinance 2004-06-09 adopting fiscal year 2004/2005 budget** – 1<sup>st</sup> reading. Mr. Wichmann read the ordinance: AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, ADOPTING A BUDGET FOR THE CITY OF EDGEWOOD FOR THE FISCAL YEAR BEGINNING JULY 1, 2004 AND ENDING ON JUNE 30, 2005.

Mr. Rolfes said the city came out positive this year because we did very well on health care in changing the plan and carrier and asked if council would authorize the continuation of the medical reimbursement program for the employees on a quarterly basis. The program saves the employees and city money. Council did not have any objections in continuing with the program.

**Municipal Order 2004-10 adopt rules and regulations for the Senior Center** – Mr. Wichmann read the municipal order: A MUNICIPAL ORDER OF THE CITY OF EDGEWOOD, KENTON COUNTY, KENTUCKY, APPROVING THE RENTAL RATE, RULES AND REGULATIONS FOR THE USE OF THE EDGEWOOD SENIOR CENTER; AND ALSO APPROVING AN AGREEMENT WITH THE GOLDEN AGE SOCIAL CLUB OF EDGEWOOD IN.C, TO ACT AS THEIR GENERAL AGENT IN REGARD THERETO.

Mr. Grady asked why hall rental isn't available on holidays. Mr. Rolfes responded that it seems to be a fairly consistent factor among the other communities is getting people to staff it and take care of it. Mr. Grady referred to the page referring to "Rental is based on the following terms and conditions" paragraph A sub-paragraph 3 add the word "of" after "The insurance" and before "the Rentee...". Also in the same paragraph change the word "liquor" to "alcohol". Mr. Spears stated there are a lot of holidays and felt the need to list the holidays that rental is not available. Mr. MacMillan asked how the city would handle damages. Mr. Rolfes responded that if the damages don't exceed the deposit, the deposit will be held to cover the damages if the damages were to exceed the deposit then the city would contact Mr. Wichmann to see what course of action should be taken. If a certificate of insurance is provided, as required, then the city could make a claim with the insurance company. Mr. Grady inquired about the requirement to provide a certificate of insurance. Mr. Wichmann stated that it is now a requirement for most hall rental facilities to require a certificate of insurance especially if alcohol is allowed.

Mr. Guenther made a **motion** to adopt Municipal Order 2004-10 with the above changes; seconded by Mr. Spears. **Motion passed: 5 ayes – 0 nays.** Mr. Rolfes will submit the rules and regulations to the Golden Age Social Club for their approval.

**Municipal Order 2004-11 award the contract to Childress and Cunningham, Inc. for construction inspection of the city building.**

Mr. Wichmann read the municipal order: A MUNICIPAL ORDER OF THE CITY OF EDGEWOOD, KENTON COUNTY, KENTUCKY, APPROVING AND AUTHORIZING AN AGREEMENT WITH CHILDRESS AND CUNNINGHAM INC. CO. FOR CONSTRUCTION MANAGEMENT SERVICES.

Mr. Grady commented on the last paragraph of the company's contract relating to items that they exclude such as review of architects documents and the firm we're talking about is an architectural firm and Mr. Grady stated that's a big item to exclude and also review of draw requests which Mr. Grady thought was odd that they wouldn't look over everyone's shoulder. Mr. Rolfes said in an effort to keep costs down those are items he felt could be excluded because when the pay requests come from Pilot they go to Cole + Russell and part of their responsibility of the contract is to review the draw requests to make sure they are correct. He felt it wasn't necessary to pay extra money to double check something that's already been checked by the architect and the general contractor based on a request by the sub-contractor. Mr. Steffen said the role of hiring such a company is to watch the actual building being built and catch things that might not be appropriate that we may not catch ourselves. There was discussion on putting a cap on the fee that was quoted at costing approximately \$52,000 - \$77,000. Mr. Grady felt that the city couldn't really do without hiring someone to oversee the project; Mr. Steffen agreed. Mr. Spears asked if there was a major flaw with the building wouldn't the city hold Pilot and/or Cole + Russell accountable? Mr. Wichmann said yes the city would ultimately hold them accountable but the problem is the discovery of such problems before or after the fact. Mr. Guenther agreed with Mr. Spears' point regarding holding Pilot and Cole + Russell accountable for any problems. He further stated he didn't see a need for a construction manager. He spoke with two general contractors and an architect in the last several days and they all said given the size of this project and given the fact that we have a standard AIA agreement with Cole + Russell and they'll be doing site inspections, making sure everything is done properly and of course approving the pay requests, he's comfortable proceeding in that fashion and doesn't expect Mr. Rolfes to catch every little problem with the building and doesn't hold him responsible for it but he does hold Cole + Russell to it. Mr. Guenther said he's not in favor of spending \$50,000 or \$70,000 more for a construction manager at this point. Mr. Spears said he wasn't in favor of it either. Mr. Grady said he is in favor of it with a cap. Mr. MacMillan stated that a couple of years ago when the city was having problems with C+R, he had seen that Colerain Township was using C+R for a firehouse and upgrade to their Public Works. He contacted them and asked if they were experiencing some of the problems with C+R and they highly recommended a construction manager. The township recommended hiring a manager from day one, as soon as the architect is hired hire the construction manager at the same time. Mr. MacMillan agrees with the accountability and the cap. Mr. Spears said that if C+R really wanted to be accountable they would foot this bill because the cost has gone way over what they expected and they have a responsibility as to why we are spending what we are and they should bare some of the responsibility.

Mr. Steffen made a **motion** adopting Municipal Order 2004-11 awarding the construction inspection contract to Childress and Cunningham, Inc. and the fee shall not exceed \$60,000; seconded by Mr. MacMillan. Ayes votes were recorded for Mr. Steffen, Mr. MacMillan, and Mr. Grady. Nay votes were recorded for Mr. Guenther and Mr. Spears. **Motion passed: 3 ayes – 2 nays.**

**ANNOUNCEMENTS**

- Day Camp – June 22-24 at Presidents Park for children ages 5-8, \$35 fee. Stop by city hall to register.
- Boy Scout Alexander Sarros from Troop 7739 introduced himself and stated that he was in attendance working towards a communication merit badge.

**ADJOURNMENT**

Mr. Guenther made a **motion** to adjourn at 9:50 p.m.; seconded by Mr. Spears. **Motion passed 5 – 0.**

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Mayor John D. Link

Attest: \_\_\_\_\_  
Jeanette Kemper, City Clerk  
Date passed: \_\_\_\_\_