

CITY OF EDGEWOOD
COUNCIL MEETING MINUTES

July 18, 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, Jeff Schreiber, Ray Spears, Scott Guenther, Dale Henson and Nancy Atkinson. Also in attendance were City Administrator Roger Rolfes, City Attorney Frank Wichmann and City Clerk Jeanette Kemper. Mark Steffen was absent.

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – no changes were made.

APPROVAL OF MINUTES – Mr. Guenther made a **motion** to adopt the June 27, 2005 minutes as written; seconded by Mrs. Atkinson. **Motion passed: 6 ayes – 0 nays.**

REPORTS/PRESENTATIONS

Mayor's Report - Mayor Link thanked the staff for their assistance with the 4th of July events and further thanked the residents for recognizing members of the city's adopted military unit the 509th Infantry that attended the 4th of July festivities.

Administrator's Report – Mr. Spears asked if the new walking trail in Freedom Park would connect to Hinsdale School. Mr. Rolfes stated that it is possible but it would be up to the Kenton County Board of Education. Mr. Spears asked how many streets still need new street signs. Mr. Rolfes responded that all streets now have new street signs but his report referred to all regular street signs that would include no parking, fire lane, etc.

Staff Reports – Council reviewed reports from the following staff members: City Administrator, City Clerk, EMS/Fire, General Services, Police, Properties, and Recreation.

CITIZENS DESIRING RECOGNITION ON LEGISLATIVE MATTERS NOT ON THE AGENDA

None

UNFINISHED BUSINESS

Facilities Update – Mr. Rolfes stated the Senior Center is complete; we've obtained the final inspection from the state. The city building updated figures will be on the website soon. Mr. Henson asked what the ending fund balance would be. Mr. Rolfes stated it would be where it is now about \$2.5M.

NEW BUSINESS

Accept the communication service utility franchise bid – no bids were received.

Discussion of ATV's (all terrain vehicles) – Mr. Schreiber stated a resident, Cindy Borne-Walker of 3133 Charter Oak Road, advised him that she has been having problems with people riding ATV's in her yard. She has advised the police who are unable to catch them but she is concerned about safety and asked if something could be done to take care of the problem. Someone had recently cut down trees on her property in order to ride the ATV's. Mr. Grady said she has talked to him before also. He further stated that a neighbor across the street from him, Michael Treadway, owns an acre lot and he and other people ride ATV's plus his son rides a

motorbike. Mr. Grady owns 31 acres and state that he has not see any wildlife since they have been riding. The noise and dust is awful. He suspects that other riders are coming from Lindsey Drive and riding through his property. The city's noise ordinance doesn't cover the noise from the ATV and Mr. Grady asked that something be done about it, perhaps revise the current ordinance. Mayor Link said he saw what looked like an ATV path on Lindsey Drive leading down to the creek.

Chief Kramer stated that there are laws that prohibit someone from riding ATV's on land that is under control of someone else without their permission, KRS 189.515. This violation has to occur in the presence of the police before anything can be done about it or the property owner could file a complaint with the county attorney's office. One person's rights end where the other persons begin.

Mr. Schreiber said that Ms. Borne-Walker suggested that an acre lot is too small to ride and perhaps a restriction should be that a person has to have more than an acre in order to ride.

Donald Doud, 3068 Village Drive, apologized to Mr. Grady for the noise level that has disrupted him. He owns an ATV and his son rides in their backyard and with Mr. Treadway. He enjoys riding with his son, it keeps his son out of trouble and asked that the privilege of riding not be taken away from them. In order to keep the noise down he suggested that he would not ride with Mr. Treadway anymore. Mr. Grady said that would be great but there are several groups of people that ride. Dick Koehl, 3110 Lindsey Drive, stated that the ATV's are very noisy and he's concerned about safety. John Rauch, 3108 Lindsey Drive, stated that they can ride them if they put mufflers on them and restrict the hours to ride from 10 a.m. to 4 p.m.

Mr. Henson suggested to add "created" to the noise ordinance where it states "amplification of sound". Mr. Wichmann said there are several ways to change the ordinance but there is still an enforcement issue. Mr. Rolfes said you have to think about normal/acceptable uses such as a lawn mower. Mr. Guenther stated that Mr. Henson's suggestion would take care of that by adding amplified or create sound and that unreasonably interferes so the question is rather it's unreasonable interference or not; most people would decide that a normal lawn mower is not an unreasonable interference. Mr. Doud offered to have council go to Mr. Rauch's home and he and his son would ride from their house to Mr. Rauch's house in order to get the effect of the sound from the ATV's. Mr. Koehl said that when a decision is made please think about the people as a whole. Mr. Guenther stated he would like to see how other cities deal with this and put the item back on the agenda. Mrs. Atkinson said she would like to hear them because she's not sure what kind of noise level they're talking about. Mr. Schreiber wants to pursue it further. The item will be on the next meeting's agenda and regulations and/or ordinances will be researched from other cities.

ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS

Ordinance 2005-06-10 amending Northern Ky Area Planning Commission fees – 2nd reading - AN ORDINANCE AMENDING ORDINANCE NO. 2003-02-01 OF THE CITY OF EDGEWOOD, PERTAINING TO THE ESTABLISHMENT OF FEES FOR BUILDING AND ELECTRIC PERMITS, APPLICATION FEES UNDER THE EDGEWOOD ZONING ORDINANCE AND FOR THE EDGEWOOD BOARD OF ADJUSTMENTS, AND FINES FOR VIOLATING APPLICABLE LOCAL ORDINANCES WHEN A VIOLATION OF THEM HAS BEEN CLASSIFIED AS A CIVIL OFFENSE IN THE CITY OF EDGEWOOD. Mr. Guenther made a **motion to adopt ordinance 2005-06-10; seconded by Mr. Henson. **Motion passed: 6 ayes – 0 nays.****

ANNOUNCEMENTS

- NKADD Annual Meeting and Awards Banquet will be held August 15th at 6 p.m. at the Receptions Conference Center, please RSVP to Jeanette by August 1st.
- Concert in the Park – July 19, 7 p.m. - Presidents Park "Michael D" songs of Sinatra and on July 26th – Sycamore Community Band.
- Play cards with the seniors at the Edgewood Senior Center every Tuesday at noon.

- August 6th – city yard sale at Freedom Park 9 am to 2 pm.
- August 13 – family campout at Presidents Park 6 p.m.
- MGLNK meeting to be held at the Florence Freedom Ballpark on 7/27 at 7 p.m.; includes buffet dinner and ballgame.

ADJOURNMENT

Mr. Spears made a **motion** to adjourn at 7:45 p.m.; seconded by Mr. Schreiber. **Motion passed: 6 ayes – 0 nays.**

Mayor John D. Link

Attest: _____
Jeanette Kemper, City Clerk

Date passed: _____