

CITY OF EDGEWOOD  
COUNCIL MEETING MINUTES

August 1, 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, Ray Spears, Dale Henson and Nancy Atkinson. Also in attendance were City Administrator Roger Rolfes, City Attorney Frank Wichmann and City Clerk Jeanette Kemper. Scott Guenther and Jeff Schreiber were absent.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** – Mayor Link moved item #12 discussion on ATV's to be discussed under Reports item #2; Mr. Rolfes added National Night Out to Announcements; Mr. Spears requested to move #22 executive session to the end of the meeting; and Mayor Link added September 5 to item #20 council meeting cancellation.

**APPROVAL OF MINUTES** – Mr. Henson made a **motion** to adopt the July 18, 2005 minutes as written; seconded by Mr. Spears. Mr. Steffen abstained. **Motion passed: 4 ayes – 1 abstention.**

**REPORTS/PRESENTATIONS**

**Discussion on ATV's (all terrain vehicles)** – Mr. Wichmann drafted an ordinance for council's review. Mr. Henson would prefer to regulate the ATV's on a noise basis as opposed to looking at the ATV's specifically. He stated he has a hard time voting for an ordinance that prohibits someone from using their own land in a way they see fit as long as they don't infringe on anybody else's rights. He would like to modify the city's current noise ordinance. Mr. Spears said if a property owner has a small lot it would be impossible not to infringe upon the rights of their neighbors; he would like to come to an agreement on a lot size. He believes that the city needs a combination of lot size and noise regulations. Mr. Grady is in favor of incorporating other noise within the current noise ordinance (other than amplification of sound). He believes ATVs are inappropriate for suburban lots; they're very noisy and dusty. He would like to set a size limit on lots as well as limit the number of ATV's that are allowed on a lot and set a time limit in which to ride. Mayor Link was contacted by a resident who purchased an ATV to plow his driveway and said that it isn't any louder than a mower and he doesn't want to be restricted from being able to use it on his driveway. Mr. Wichmann recommended leaving the current noise ordinance as is and draft an ordinance specifically noise related to the ATV's.

Don Doud, 3068 Village Drive, owns an ATV and submitted signed statements from neighbors who stated that they have no problem with him riding his ATV. Those signed statements are attached for the record. He also submitted pictures of his property and surrounding properties. He owns 1.2 acres. He stated that in regards to remarks being made at the last meeting that there isn't any more wildlife due to the ATV's, there is wildlife still in his neighborhood, he sees deer all the time. He also submitted pictures of the trails that he rides on and a "no trespassing" sign that is on the property of Cindy Borne-Walker, Charter Oak Road, who claimed that someone removed her sign but Mr. Doud states that her sign is there and the pictures show where the vegetation is growing and not being damaged. Mr. Doud spoke of the driving age and found out that Kentucky state law states that a person under the age of 16 must not operate an all terrain vehicle with an engine size exceeding 90 cc and a person under the age of 12 cannot operate an ATV exceeding 70 cc and those requirements are for public land. He contacted the Kentucky State Police who advised him that these laws do not govern private land. He believes that an acre of land is sufficient to ride ATV's. Mr. Grady asked Mr. Doud how many ATV's he thought would be appropriate to ride on someone's property; Mr. Doud responded two.

Dr. Bob Marciani, 3052 Ashley Drive, Chief of the Division of Oral and Maxiofacial Surgery at the University of Cincinnati. Dr. Marciani with head and facial trauma and he alerted everyone the hazards of ATV's and stated they're very dangerous vehicles because of the terrain they're ridden on. There are extraordinarily high numbers of deaths due to ATV's. The issue is more than noise, it's a health and safety issue. He asked council to be mindful of the extreme hazards that ATV's pose to the riders.

Janet Conradi, 3068 Village Drive, Mr. Doud is her son-in-law who lives with her and states that they only ride an hour or two one or two times a day and stated that the ATV's are not that loud.

John Rauch, 3108 Lindsey Drive, stated the second leading cause of deaths among youth is ATV's and further stated that they do make noise.

Dick Koehl, 3110 Lindsey Drive, stated that when they're riding on acre of land it's an echo chamber and when the trees are bare it's horrendous.

Bill Culbertson, 3066 Village Drive, lives next to Mr. Doud and has no problem with them riding and stated that his mower is louder than their ATV. He believes that this is much ado about nothing. He has woods, deer, apples and nothing has changed since they have been riding.

Michael Treadway, 518 Greenlawn, owns an ATV and a dirt bike. Mr. Treadway submitted signatures (attached for the record) from 8 out of 11 residents from Greenlawn Drive who stated that the noise from the ATV's do not bother them. Mr. Treadway apologized for any problems that he may have caused to the city or his neighbors. He stated that his weed eater is louder than the ATV. He doesn't agree with allowing property owners to have only two ATV's per residence. He and his two children like to ride at the same time.

Mr. Grady disagreed with allowing three or more ATV's due to the noise.

Mr. Treadway stated that he not only rides the ATV for fun but it is a utility vehicle in which he can plow his driveway or haul firewood to his house.

Jeff Starnes, 513 Greenlawn, stated that his neighbor's motorcycles and the city's fireworks are louder than the ATV's and felt that if someone has adequate space to ride then they should be allowed to ride.

Mr. Steffen agreed with Mr. Henson that they shouldn't tell property owners what they could do on their own property. He suggested that ATV owners register their ATV's with the city so the city could regulate them.

Mrs. Atkinson stated that permits may be to the residents benefit because if someone is not following the rules then the city could revoke their permit and if it becomes a chronic problem then the city wouldn't have to penalize everyone just that person violating the rules.

Mark Schutzman, 3057 Village Drive, owns land off of Ridgetop and states that he has an issue with the registration/permit. His lands butts up to about 40 people and if one person has something against him it could prevent him from riding on his 33 acres. As far as hours goes he doesn't believe 7 p.m. is a good cut off time; he'll work with his ATV on his land up until 9:30 p.m. in the summertime. He plows about eight driveways each winter. He doesn't want his riding privilege to be taken away.

Tom Schutzman, 567 Village Drive, owns 8 ¾ acres at the end of Village. He is opposed to the registration of ATV's and asked that his riding privileges not be taken away. He stated that the city should pass a noise ordinance and enforce trespassing laws.

Mr. Grady said it boils down to the size of the lot and how many ATV's should be allowed. Mr. Spears said the city should also consider the front and side footage of a lot. Mrs. Atkinson is not in favor of passing legislation that would tell people how they could use their property. Mr. Grady is not in favor of the

registration but is in favor of the number of ATV's to be allowed on someone's property and the lot size. Mr. Treadway asked Mr. Grady how big of a lot should be allowed. Mr. Grady responded three acres. Mr. Doud stated that he would no longer ride on Mr. Treadway's property; he'll stay on his own property. Discussion will continue at the next regular council meeting on September 19, 2005.

**Mayor's Report** – no report.

**Administrator's Report** – Mr. Rolfes made reference to his memo and stated that a few changes were made to the city building. Council conference room will be moved to the northeast corner of the building and the storage area will be moved to the site of the old conference room.

**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 brickwork and roof should be done in the next three weeks. Completion date is November 18<sup>th</sup>.

### **NEW BUSINESS**

**Cancel August 15<sup>th</sup> and September 5<sup>th</sup> council meetings due to the NKADD dinner and Labor Day holiday** – Mrs. Atkinson made a **motion** to cancel the August 15<sup>th</sup> and September 5<sup>th</sup> council meetings; seconded by Mr. Spears. **Motion passed: 5 ayes – 0 nays.**

**Directional signage for Brookwood Swim Club** – residents in the Brookwood area have requested that three directional signs be installed for visitors of the Brookwood Swim Club. The city would create and install the signs but will ask the swim club to pay for them. Mr. Rolfes suggested putting the signs on Brookwood Drive at Dudley Road, the intersection of Brookwood and Willowbrook and at the intersection of Fair Oaks and Willowbrook. Mr. Grady asked why a sign should be placed at Dudley and Brookwood Drive; people should know to turn on Brookwood. Mr. Rolfes responded that it would be for visitors not familiar with the area. Council agreed not to put a sign at Dudley and Brookwood but agreed to install the other two signs. Mr. Henson made a **motion** to install two directional signs for Brookwood Swim Club; seconded by Mrs. Atkinson. **Motion passed: 5 ayes – 0 nays.**

**Frito Lay property zone change** – Mr. Rolfes was approached by a group interested in purchasing the Frito Lay property on Sperti Drive and was asked if the city would be willing to change the zone to highway commercial. They are looking at breaking the property into three lots. It seems they may be interested in putting in a service station and maybe a fast food facility. They are trying to determine exactly what permitted uses they could work with if they purchase this property. Council reviewed a list of permitted uses under highway commercial. Mr. Steffen agreed with items 2, 3, 6, and 10 of that list. Mr. Henson and Mrs. Atkinson agreed with items 3, 6, and 10. Mr. Grady stated he would be okay with all of the items as long as they would exit onto Madison Pike and not onto Dudley Road. Mr. Wichmann stated that the request is whether or not the city would entertain a proposal to rezone the property. The company would have to submit an application to NKAPC for a review and recommendation. The application will have a development plan with it that would answer everything council is discussing. Mr. Wichmann recommended that the city's response should be that the city would consider rezoning the property subject to an application to the NKAPC and the recommendation of the NKAPC. Mr. Wichmann recommended that council not discuss or make a decision on the above comments regarding permitted uses. Council agreed with Mr. Wichmann's recommendation that the city will consider rezoning the property subject to the response from NKAPC.

**ORDINANCES, MUNICIPAL ORDERS, AND RESOLUTIONS**

**Municipal Order 2005-05 request to declare three Ruger Carbine rifles as surplus property** – Mr. Steffen made a **motion** to adopt municipal order 2005-05; seconded by Mr. Spears. **Motion passed: 5 ayes – 0 nays.**

**ANNOUNCEMENTS**

- Concert in the Park – August 2, 7 p.m. - Presidents Park “Mistics” and on August 9<sup>th</sup> – Cincinnati Metropolitan Orchestra.
- Play cards with the seniors at the Edgewood Senior Center every Tuesday at noon.
- August 6<sup>th</sup> – city yard sale at Freedom Park 9 am to 2 pm.
- August 13 – family campout at Presidents Park 6 p.m.
- The Fire/EMS department is encouraging residents to purchase the double-sided, green and white reflective house number signs to attach to their mailbox, cost is \$15.
- National Night Out is August 3<sup>rd</sup> from 6 – 9 p.m. at Freedom Park.
- The Enquirer recently did a poll of the best area parks and Presidents Park was selected as number two.

**Executive Session** – Mr. Grady made a **motion** to enter into executive session at 9 p.m. per KRS 61.810(1)(b) acquisition or sale of real property; seconded by Mrs. Atkinson. **Motion passed: 5 ayes – 0 nays.**

Mr. Henson made a motion to return to plenary session at 9:39 p.m.; seconded by Mr. Steffen. **Motion passed: 5 ayes – 0 nays.**

**ADJOURNMENT**

Mr. Henson made a **motion** to adjourn at 9:39p.m.; seconded by Mr. Spears. **Motion passed: 5 ayes – 0 nays.**

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

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

Date passed: \_\_\_\_\_