

City of Lakeside Park
Minutes of 10/11/2021
Regular Council Meeting

CALLED TO ORDER:

Mayor David Jansing opened the meeting of the Lakeside Park City Council at 7:00 p.m. on Monday, October 11, 2021. The meeting started with the pledge to the flag led by Mr. Waite and continued with a prayer by Mr. Markgraf. Those in attendance were Mayor Jansing and Council Members; Mr. Gastright, Mr. Markgraf, Mrs. Thaman, Mr. Wolfer and Mr. Waite. Mr. Stegman was absent. City Clerk Mrs. Hehman, City Attorney Mr. Voss and Police Chief Schutte were also present for the meeting.

AGENDA:

Mr. Markgraf made the **motion** to adopt the agenda as presented. Mrs. Thaman seconded the **motion**. Voice vote was taken. **5 Ayes, 1 Absent, 0 Nays. Motion** carried.

MINUTES:

Council having received copies of the 9/13/21 Council Meeting minutes was asked for any additions or corrections. Mr. Wolfer made the **motion** to adopt the minutes as presented. Mr. Waite seconded the **motion**. Voice vote was taken. **4 Ayes, 1 Absent, 1 Abstain, 0 Nays. Motion** carried.

Council having received copies of the 9/30/21 Special Meeting minutes was asked for any additions or corrections. Mr. Gastright made the **motion** to adopt the minutes as presented. Mrs. Thaman seconded the **motion**. Voice vote was taken. **5 Ayes, 1 Absent, 0 Nays. Motion** carried.

CITIZENS ADDRESSING COUNCIL:

Mr. Tim Theissen, attorney for PDS, prepared a comprehensive memorandum regarding Residential Care Facilities, Group Homes and Sober Living Homes. Mr. Theissen reviewed the findings from his memorandum and the attached appendices, directly relating to his findings. Recovering addicts that are not using are federally protected. If they start using, then they are no longer protected under the law. The Kentucky State legislature has determined by statutes, that residential care facilities, as long as serving the disabled, are able to operate in any residential zone in the city. These facilities cannot be regulated by conditional uses. If occupancy limits are adopted, then they will apply to every home in the jurisdiction. Mr. Theissen reported that the density rules have been upheld, meaning the distance between residential care facilities, however, there have been a myriad of lawsuits and they have not been broadly successful. The intent of the regulation can be challenged in federal court. If a set of regulations have been adopted by another city, it does not mean that it can be applied to this city, as they must be uniquely justified based on facts that exist within the jurisdiction. Mr. Theissen stated that a variance is not an option to set the number of occupants, as a variance may only be granted for dimensional usage by definition in the building code. The conditional use permits are prohibited under Kentucky Revised Statutes (KRS). Mr. Markgraf questioned the possibility of an independent study and what type of a study would pass federal muster. Mr. Theissen stated that any study will have to include a detailed analysis and be specifically fact oriented. A study will have to come from a genuine attitude of discovery and what is unique about Lakeside Park.

The City of Newport has done a comprehensive analysis and adopted an ordinance that was later amended. Mr. Theissen stated he does not believe there is a good, viable, legal way to stop additional residential care facilities. Any legislation will be left up the council members to decide.

Mr. Waite clarified that the Newport ordinance has remain unchallenged for the last 4 years, since adoption. Mayor Jansing stated he would still like to work on an ordinance to at have a rental property registry so that the City will at least be able to contact a property owner, in the event of any issues or problems. This would be for any single family or apartment that is used as rental property.

Mayor Jansing spoke with Emily from the Oxford House and will try to get a date for the Open House.

Mr. Chris Wiest, attorney representing 18 families in the Farmington neighborhood, addressed his rebuttal that Kentucky is in the Sixth Circuit Court that governs Kentucky, Ohio, Michigan and Tennessee. He researched precedent in the Sixth Circuit. Mr. Wiest reviewed findings of the Newport Ordinance that he believes could be used in Lakeside Park. He supports looking into a study and re-defining the definition of a family. He suggested an ordinance to address on/off street parking.

A resident from Farmington asked about the Turkeyfoot Road project. Mayor Jansing stated that the Transportation Department will be hosting an outdoor public meeting regarding the project on Turkeyfoot Road from Dixie Highway through Crestview Hills. This meeting will present several options that are being considered. The resident expressed his concern that if nothing is done and the road remains that same that there will be significant traffic issues in the future. He would like to see a third lane used as a turn lane. He was encouraged to attend the public meeting.

MAYOR'S REPORT:

Mayor Jansing reported the time for Trick-or-Treat will be from 6:00 PM to 8:00 PM on October 31st.

LEGAL:

Mr. Voss reiterated what Mr. Theissen stated, that the BOA and application for conditional use are not options based on KRS.

CITY CLERK/TREASURER'S REPORT:

Mrs. Hehman stated that tax bill preparations have begun and the bills will be sent to the printer in the coming weeks. All property taxes are to be paid in full or postmarked by December 31st. There are two letters included in the tax bills this year. The first letter in the bills will be from Mayor Jansing regarding the tax rates and waste fee. The second letter is from the Chief Fuller from Ft. Mitchell Fire Department, relating to the use of smoke detectors. This will help the department with the ISO rating.

PUBLIC WORKS:

The monthly report is in the record book. Mrs. Thaman reported the street project for Paul Hesser ran into a delay with moving some gas lines and weather, but JPS states they only have a few more weeks until the project is completed. The Lakeview Force Main project continues by SD1 along Buttermilk Pike has also been delayed due to supply chain issues. Mayor Jansing addressed issues with SD1 about the high grass in the project zone, along Buttermilk Pike. Mr. Waite inquired about the possibility of looking into an RFP for engineering services. There was discussion about the professional services. Mrs. Hehman stated she would contact the clerks in Northern Kentucky and see who they use and report back.

POLICE AUTHORITY:

The monthly report is in the record book. Mr. Markgraf reviewed the most recent meeting minutes and reported that the monthly activity report showed 23% of the calls originated in Lakeside Park. Officer Metzger was honored with a lifesaving award for helping a choking child in a car seat. The department continues to aid the Diocese of Covington on active threat training and family reunification.

FIRE/EMS:

The monthly report is in the record book. Mayor Jansing reported there is a new report summary provided. It is now only 1 page. There were 15 fire and/or squad runs to the City of Lakeside Park in the month of September. The Hero Night was hosted on October 5th at the Diocesan Catholic Children’s Home grounds. It was well represented by many local departments, agencies and civic organizations. There was a large turnout for the event.

PDS:

Mayor Jansing and Mrs. Hehman continue meeting with the representatives from PDS for the Z21 county-wide zoning process. This process will help streamline the zoning ordinances.

FINANCE:

The monthly report is in the record book. Mr. Gastright highlighted some details for the month of September. We collected \$30,000 in income. Expenses for the month were \$223,000, which included a large payment to JPS for street work. The checks all appear to be properly recorded. The total in checking and savings is \$2 million. The account for the incoming ARPA funds still needs to be added to the register.

RECREATION:

Mrs. Thaman reported there are several events being planned. The walking group continues on Thursday mornings and will be changed from 7 AM to 8 AM due to visibility. There are limited discounted tickets are available for HallZooween. Seniors are invited to RSVP for a drive thru luncheon. The Trunk or Treat with Immanuel Methodist Church is on Saturday, October 30. Stay tuned for more information to come on Light-Up Lakeside. The date has been set for Sunday, December 5th. Use the City website www.cityoflakesidepark.com Calendar page to register for events.

WEBSITE:

No report.

PUBLIC RELATONS:

No report.

OLD BUSINESS:

Nothing to report.

COMMENTS FROM COUNCIL:

Mr. Gastright inquired if the city or any other council members would be interested in looking into a third party to conduct a study. Mr. Markgraf suggested the possibility of working with neighboring cities of Crestview Hills and Fort Mitchell on the study. Mayor Jansing stated he would speak with Mayor Hehman and Mayor Meier. The cost of a study of this scope is also unknown at this time.

ADJOURNMENT:

Mr. Markgraf made the **motion** to adjourn the council meeting at 9:36 p.m. Mr. Wolfer seconded the **motion**. Voice vote was taken. **5 Ayes, 0 Nays, 1 Absent. Motion** carried.



David E. Jansing, Mayor



Katie Hehman, Deputy City Clerk