

City of Lakeside Park

Minutes of Regular Meeting on 3/10/2025

**CALL TO ORDER:** Mayor Markgraf called to order the regularly scheduled meeting of Lakeside Park City Council at 7:01 P.M. on Monday, March 10, 2025, in the Lakeside Park City Building located at 9 Buttermilk Pike. Those in attendance were Mayor Markgraf, City Clerk Teresa Bruck and City Attorney Greg Voss. The council members present were Tom Bernheimer, Dennis Landwehr, Cassi Schabell, Mary Ann Thaman, Brian Waite and Dave Wolfer.

**AGENDA**

There were no changes to the agenda; Mr. Waite made the **motion** to adopt the agenda, and Mr. Wolfer seconded the **motion**. Voice vote was taken. **6 Ayes, 0 Nays; motion** carried.

**MEETING MINUTES**

The mayor asked if there is a motion to adopt minutes of February 10, 2025, a **motion** was by Mr. Landwehr and seconded **motion** by Mary Ann Thaman.

Ms. Schabell made a **motion** to correct the minutes of February 10, 2025, to include the word, "into" under the comments from council second paragraph, and between manipulated and untruth. Ms. Thaman seconded the **motion** to amend February 10, 2025, minutes. Roll call responses are as follows:

Tom Bernheimer	Aye	Dennis Landwehr	abstained
Cassi Schabell	No	Mary Ann Thaman	Aye
Brian Waite	Aye	David Wolfer	Aye

Adoption of the amended minutes passed with **4 Ayes, 1 Nays and 1 abstain**.

An additional comment was made by Ms. Schabell asking for the minutes to be transcribed verbatim or just with formal actions taken.

**CITIZENS ADDRESSING COUNCIL:**

Jim Wilson, 2542 Dixie Highway, Lakeside Park, provided the council with a packet of information for a better explanation of their position regarding owning chickens.

Mike McKeown, 123 Brittany Court, Lakeside Park, spoke in opposition of chickens in Lakeside Park.

Mike Lippert, 15 Buttermilk Pike, Lakeside Park, spoke about his direct experience with chickens in Lakeside Park and his opposition to chickens being allowed.

Eric Bunzow, 518 Ripple Creek, Elsmere, spoke about being in favor of chicken ownership in the city, he also spoke about the City of Elsmere's chicken pilot program that is now an ordinance, and he mentioned House Bill 806 regarding chickens introduced to legislation by Kentucky State Representative, Steven Doan.

The mayor advised the audience that the council will not be discussing this matter tonight but will discuss this after the second reading of the ordinance is presented.

The mayor asked the audience to remove their hats as a courtesy. Ms. Schabell stated that the request to remove their hats violates KRS 61.840. The mayor advised it is a matter of courtesy to the city council.

Laura Arlinghaus, 14 Paul Hesser Drive, Lakeside Park, spoke in favor of owning chickens, and further spoke about her experience growing up in Fort Mitchell with her parents' chickens.

Kevin Thompson, 100 Farmcrest Court, Lakeside Park, spoke about his concern with chickens being a nuisance and his opposition to having them in the City of Lakeside Park.

There was an inquiry to change procedure to allow discussion of ordinances after the first readings. Mr. Voss advised discussion has always been reserved for after the second reading, and that he works for three cities and all three cities use this same procedure. He also clarified, the mayor sets forth the agenda and procedures for meetings so it would be up to him to make procedure changes.

**MAYORS REPORT:**

The mayor reported last Saturday the council had an informal goal planning meeting, ideas discussed, but no action taken. He advised there would be upgrades to the city building security system, as well as some computer programs. All other matters will be discussed by the individual committees and brought to the council if approval is needed.

The mayor provided a reminder about the trash ordinance times.

He said at the last mayor's meeting there was discussion of some legislative updates that included: the governor signed for a reduction in State income taxes; Airbnb lobbyists are campaigning to remove rental registrations; and religious institutions are setting up assisted living facilities.

The mayor said the water department is working under a federal mandate to reduce lead in homes and if anyone gets notice please contact the water department.

He advised we have received bids for the sidewalk repairs being addressed later in the meeting. But since there was concern by a resident about the city's position on the sidewalk repairs, an independent assessment was completed by an outside attorney. That attorney found the city has not violated any laws and it is within the city's discretion to not charge a resident when a total street replacement requires sidewalk to be replaced.

**CITY ATTORNEY REPORT:**

Mr. Voss read the **second reading of Ordinance No. 1-2025** Amending Section 41 of the Lakeside Park Code of Ordinances, pertaining to sidewalks.

There were no changes, corrections or discussion, Mr. Waite made a **motion** to adopt Ordinance 01-2025. Mr. Bernheimer seconded the **motion**.

Ms. Schabell made a **motion** to amend Ordinance No. 1-2025, section 1, to delete the owner responsible for sidewalk repair and amend it to say the city should be responsible. **Motion to amend died for lack of a second motion.**

No additional discussion, the mayor asked for a roll call and the results were as follows:

Tom Bernheimer	Aye	Dennis Landwehr	Yes
Cassi Schabell	No	Mary Ann Thaman	Yes
Brian Waite	Aye	David Wolfer	Aye

**5 Ayes, 1 Nays; motion** carried.

Mr. Voss then read the **first reading of Ordinance No.2-2025** Amending Chapter 51 of the Code of Ordinances entitled "Animal Services."

Mr. Waite asked Mr. Voss to explain to the audience ordinance procedures. Mr. Voss explained that all ordinances need two readings unless it deems to be an emergency. The first reading is that the ordinance is read, the second reading is read, discussed and then voted on. Ms. Schabell added it can be amended after the second reading, and it was clarified yes it can be amended, but if it is a substantial change then you must start all over.

The mayor stated that he requested the city attorney to review **Ordinance 3-2025**, and he asked the city attorney to provide a statement before it is read.

Mr. Voss provided the following memorandum that addressed the process of city meetings:

**Memorandum:**

Mayor,

As you are well aware KRS 83A.130 sets forth the authority of the mayor and council very clearly. Ms. Schabell has proposed legislation in the form of Ordinance 3-2025, and in my legal opinion she is overstepping the council authority. I direct your attention to 83A.130 (4) & (5) which clearly gives you (the mayor) the authority to promulgate procedures to ensure orderly administration of the city government. The procedures are subject to disapproval of the council, however there is no provision that they (the council members) can override or create procedures which include city meetings.

As to section (5), the mayor shall preside at council meetings and the mayor is in charge of meetings, and how they are run. Further you, (the mayor) can set the agenda. (Added comment: There is no requirement for an agenda except at special meetings.) In addition, you can only delegate your power to subordinate officers and employees. In other words, council members cannot exert any administrative authority on any issue. That is codified in section 11 of the statute. There is also a subsection that sets forth the council's authority as the legislative branch, and further subsection 12 gives the council two specific responsibilities. First, they establish all appointive offices and their job duties, and secondly, they provide the funds to operate the city and how the money is to be spent in accordance with the budget.

With that said he addressed the specifics of **Ordinance No. 3-2025**, First, I, like all other staff and contractors, work at the direction of the mayor, as such you have to authorize me to perform tasks. As pointed above it is under your (the mayors) authority on how council procedures are set. As to committees they are under your (the mayors) control unless for budget or creation of city position such as public works or recreation. You (the mayor) have complete authority over hiring and firing and supervision of employees. There is a caveat where the council can have their own employees that would be under their supervision. There is no requirement to adopt Roberts Rules or other Parliamentary Rules. The statute is also clear that in the event of the mayor's absence the council can select a member to preside, but the "top vote getter" does not automatically get the honor. Several of the paragraphs simply restate the statutory requirements that do not need to be included in the ordinance, as state law controls. In summary the ordinance is not appropriate as written. If you desire to codify any rules and procedures it is under the mayor's authority and not the council.

Ms. Schabell advised this ordinance is what City of Erlanger uses. Mr. Voss advised he can only tell her what the statute is, and it says the mayor is in charge of procedures. Because another city does it a certain way has no bearing on what Lakeside Park does. Mr. Voss said he can only advise what the law says.

Mr. Voss then read the **1<sup>st</sup> reading of Ordinance No. 3-2025** Amending Chapter 51 of the Code of Ordinances entitled "Meetings," to establish rules of procedure for meetings of the City Council.

Mr. Voss then read **Resolution No. 02-2025** accepting the bid for **HUMPHREY CONCRETE** for the Marlo Way & Shaker Road Reconstruction Project.

Mr. Bernheimer made a **motion** to adopt **Resolution 2-2025**, and Mr. Landwehr seconded the **motion**. No discussion from the council. Roll Call was taken, and the results were as follows:

Tom Bernheimer	Yes	Dennis Landwehr	Yes
Cassi Schabell	Yes	Mary Ann Thaman	Yes
Brian Waite	Aye	David Wolfer	Yes

**6 Ayes, 0 Nays; motion** carried.

Mr. Voss then read **Resolution No. 03-2025** accepting the bid of **TMS CONSTRUCTION** for the 2025 Sidewalk Spot Replacement Project.

Ms. Thaman made a **motion** to adopt **Resolution 3-2025**, and Mr. Bernheimer seconded the motion.

Ms. Schabell said she understood the city offered to pay half, but she wanted to know if that would be offered to the residents that don't use this contractor. The mayor advised the city to pay either 50% of this cost by this contractor or 50% of the resident's contractor, whichever is less. Roll Call was taken, and the results were as follows:

Tom Bernheimer Yes    Dennis Landwehr Yes  
Cassi Schabell    Yes    Mary Ann Thaman Yes  
Brian Waite    Aye    David Wolfer    Yes

**6 Ayes, 0 Nays; motion** carried.

Mr. Voss then read **Resolution No. 04-2025** accepting the bid of **PRECISION CONCRETE CUTTING** for the 2025 Concrete Sidewalk Cutting Project.

Mr. Waite made a **motion** to adopt **Resolution 4-2025**, and Mr. Bernheimer seconded the motion. No discussion from the council. Roll Call was taken, and the results were as follows:

Tom Bernheimer Yes    Dennis Landwehr Yes  
Cassi Schabell    Yes    Mary Ann Thaman Yes  
Brian Waite    Aye    David Wolfer    Yes

**6 Ayes, 0 Nays; motion** carried.

Mr. Landwehr made a **motion** regarding residents who need to remediate their sidewalks under the trip-hazard assessment performed in 2023-2024. I, move that the City of Lakeside Park pay one-half of the city's contract price to grind and/or replace sidewalk segments. The resident will be responsible for the remaining one-half of such costs.

If the resident chooses to remediate his/her sidewalks with a private contractor, the city will reimburse the resident up to one-half of the costs that would have been incurred had the city's contractor performed such work, or one-half of the actual cost of the contractor's invoice, whichever is less. Proof of actual payment will be required for such reimbursement.

Further, I move that the mayor is authorized to formulate and implement a plan to bill residents for payment of such costs incurred by such remediation work performed by the city's contractor(s).

Mr. Bernheimer made a **second motion** to adopt Mr. Landwehr's motion regarding sidewalks.

Ms. Schabell made a **motion to amend** Mr. Landwehr's motion to establish its fair for every resident when there is a payment plan for those that cannot pay all at once, and it's not at the prerogative of someone at the city building and that it is a fair process.

The mayor commented as he understands the motion presented that it is up to the mayor to come up with the procedures for billing. For the legislature to start getting into that portion of how to do it, then that violates 83 (A) 210. The mayor asked for a second to the motion to amend. The motion request to amend died for lack of a second motion.

Roll Call was taken, and the results were as follows:

Tom Bernheimer Yes    Dennis Landwehr Yes  
Cassi Schabell    Yes    Mary Ann Thaman Yes  
Brian Waite    Aye    David Wolfer    Yes

**6 Ayes, 0 Nays; motion** carried.

**CITY CLERK/TREASURER'S REPORT:**

Mrs. Bruck advised two unpaid tax bills were sent to the city attorney for processing; the fourth quarter Insurance premiums were collected; she attended KLC cyber insurance 101 webinar training; and the newsletter went out today.

**FIRE/EMS:**

Assistant Chief Hampton provided details from the report submitted to the council.

Mr. Wolfer and Ms. Thaman inquired about CPR, First Aid and Babysitting training.

**PUBLIC WORKS:**

Mr. Bernheimer provided a summary of the public works projects.

Ms. Schabell commented on the bench project, that it should be put on hold until we are able to properly fund our existing sidewalks.

She said she spoke to a group back on Marlo Way, West Lakeside and Shaker neighborhood that they would like streetlights.

She also spoke to residents on Arcadia who requested speed bumps or additional radar signs for control of speeders.

Ms. Thaman and Mr. Bernheimer both advised that the radar sign is a test program, and the plan is to move it every 4 to 6 weeks. No action was taken, but it was advised these concerns would be addressed with public works.

#### **POLICE AUTHORITY:**

Mr. Landwehr advised there was a Special Meeting held on February 27<sup>th</sup> to extend an offer to a new police officer candidate.

He then provided a summary of the regular police authority meeting that was held on February 24<sup>th</sup>.

Chief Degenhardt presented the 2024 Annual Report. Patrolman Armstrong was also in attendance, wearing a new uniform being considered by the department.

#### **PDS:**

Mr. Waite said PDS council did have their organizational meeting on February 27<sup>th</sup> in which they elected officers as well as representatives to the council board. The PDS board heard updates from the PDS staff on the review of financials and concluded with a presentation on the development activities in Kenton County.

Ms. Schabell commented that she spoke to code enforcement staff, and they advised only 3 cities in Kenton County that currently have a ban on chickens which includes cities of Lakeside Park, Ludlow and Villa Hills. She also asked the PDS representative about chicken complaints in the city, and he advised this to be the first one he had heard of in 14 years, but in his search of the system he found one complaint about a rooster.

Mr. Waite commented that he was not sure who Ms. Schabell spoke to at PDS, but he specifically remembered at least 2 complaints about chickens that included one on Van Deren and one on Bellemonte. He also noted that PDS had problems with their system and lost a lot of prior data.

Ms. Schabell inquired about details of the PDS complaints, and the mayor advised discussion should wait until members are allowed to address that issue.

#### **FINANCE:**

Mr. Wolfer reported it was a good month for the city in terms of our collection of revenue and we had our normal expenses for the month. Everything is in good standing, properly recorded and tied out to the penny. He also reviewed the credit card charges and found everything to be proper city expenses and reasonable expenses.

Ms. Schabell requested the profit and loss details be listed on the website, and the mayor advised he will take that into consideration.

She also inquired if we paid extra for the TBNK video of the special meeting, and she was advised we pay a subscription that includes special meetings at no extra cost. She requested that we consider having TBNK at all Special Meetings and post audio or video tapings, if we have them. The mayor advised he would take that into consideration.

#### **MUNICIPAL GOVERNMENT LEAGUE OF NORTHERN KENTUCKY (MGLNK):**

Mr. Landwehr advised there would be a meeting later this month.

#### **RECREATION:**

Ms. Thaman advised on the upcoming recreation events for the City of Lakeside Park as well as the County Senior Games. She said we have some free home show tickets at the office if anyone is interested.

Ms. Schabell said a few residents on West Lakeside would like a 54 and under luncheon at Barleycorns, but she does not think we should have any luncheon at Barleycorns when we can't fix our sidewalks. She also had a resident come to her about volunteering to do some hiking and kayaking trips and inviting residents of Lakeside Park as he is a tour guide.

Ms. Thaman added that there is a Senior Luncheon on April 30<sup>th</sup> at Barleycorns and RSVP is needed.

Ms. Schabell commented on the Senior Luncheon hosted by the recreation department and was advised by the mayor that this is discussion that should be reserved for a recreation committee meeting.

### PUBLIC RELATIONS

The mayor advised the newsletter has been sent out.

Mr. Landwehr asked to present an award. He then made a presentation to Mayor Markgraf with a second Kentucky Colonel award. The mayor said he will continue to try to do the best for the city. He was elected without any political agenda or ambitions for the city except to do what is best for our city and he hoped that he had done this for the past 20 years and he pledged to continue.

### OLD BUSINESS

No old business.

### NEW BUSINESS

Ms. Schabell discussed an email received from the city clerk advising the council that the packet information provided should not be disseminated and the only requirement for meetings is to provide an agenda. Ms. Schabell requested complete packets still be distributed and paper copies available for pick up. Mr. Voss advised that the council should not disseminate the documents provided in packets as there could be personal information that may have to be redacted. The mayor advised the problem with the council providing copies of records provided to them as a courtesy is that there is no control of what they provide to others, and there should be a record of public record requests on file. He also advised packets are emailed due to the volume of reports provided to avoid the city absorbing the paper cost.

Ms. Schabell proposed a **Municipal Order #1-2025** addressing council meeting procedures. After a brief discussion, Mrs. Schabell made a motion to adopt the Municipal Order. **The motion died for a lack of a second.**

Mr. Bernheimer said he apologized if he was out of line earlier when he wanted to comment on an observation. It would have been a little bit timelier, but he would like to thank all the residents that took time out of their evening to come here and those of you who stayed longer, thank you even more. We got to hear from a variety of individuals who were for and against the issue at hand. If it had not been for certain individuals coming here tonight, including himself and he suspects many others, we would not have heard the personal experiences for the big picture view of the issue because we have only heard a limited amount of observation. We also extended our borders to Elsmere, and we allowed a non-resident to join our meeting and give their opinion. He is not sure whether that is proper or not, but at least it shows interest.

Mr. Bernheimer addressed one more issue, of an offender that had since left the meeting. He said Mr. Markgraf is the Mayor under these procedures and should be addressed accordingly. Whether you know him personally or not, he is not Paul this evening and he is not Paul at any other council meeting. Please respect that.

Mr. Waite added a comment that he's also not Hitler, so the comments that someone made about that was extremely offensive and inappropriate.

Mr. Voss advised that a non-resident could address the council, but the council members decide the veracity, and what weight they give their comments. But any citizen can address the council.

Ms. Schabell asked Mr. Voss to explain KRS 61.840 is about the conditions of attendance at meetings. Mr. Voss advised no, there is no code to remove your hat or dress specifically at a council meeting, but it is a respectful thing.

**COMMENTS FROM COUNCIL:**

No additional comments

**ADJOURNMENT:**

At 9:22 PM Mr. Wolfer made the **motion** to adjourn the meeting, and Ms. Thaman seconded the **motion**. Voice vote taken **6 Ayes, 0 Nays; motion** carried.

  
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Paul Markgraf, Mayor

ATTEST:

  
\_\_\_\_\_  
Teresa L. Bruck, City Clerk/Treasurer

AYES: 5  
NAYS: 0  
ABSTAIN: 0