

## CAUCUS MEETING MINUTES OF THE ELSMERE CITY COUNCIL

September 5, 2023

6:30 PM

**LOCATION:** Elsmere City Building.

**CALL TO ORDER:** Councilwoman Maria Vogt called the meeting to order at 6:30 p.m.

**ROLL CALL:** The following members were present: Mayor Marty Lenhof, Councilwoman Maria Vogt, Councilwoman Gloria Grubbs, Councilman Malcolm Daniels, Councilwoman Serena Owen, Councilwoman Missy Tester, and Councilwoman Joanne Barnett Smith.

### **AUDIENCE REMARKS:**

Ms. Betty Roszman who is the president of the Erlanger Elsmere Historical Society addressed the council to invite them to their next meeting on Thursday, September 14<sup>th</sup>. It is their annual picnic which is held at the Erlanger Depot Shelter.

Ms. Roszman also asked what the plans are for the senior housing that was proposed for Edwards Road. Attorney Voss stated that the board approved the project with conditions. Ms. Roszman stated that the project is not in a good location. She stated that she lives a block from the intersection that will bear all the extra traffic. She stated that the Fire Department and Police Department are in that area at least twice a day. She stated that if there are eighty-eight more apartments it means at least eighty-eight more vehicles driving in that area.

Mr. Larry Owen stated that he attended the labor day community party at Rosella Porterfield Park, he stated that the area was swarming with bees. He stated that he had to take his mother-in-law to the hospital after being stung. He stated that hopefully next year prior to the event it could be sprayed. Councilwoman Grubbs stated that bees were everywhere this year.

He also stated that he would hope that the council would support his daughter Destiny Owen with her resolution for student and school safety at the Erlanger Elsmere Schools. It is important to everybody but for her it is something that she is passionate about.

Councilwoman Owens stated that the council had received an email from Destiny. She made her original request back in 2021, where she asked the mayor to make a proclamation in support of student and school safety. She followed up on that request a couple of months ago. The basis for her concern is that a couple of students and the school resource officer had been hit. The school resource officer was hospitalized. The nation has adopted student and school safety week in October. Destiny had reached out to both Erlanger and Elsmere council to support school safety with a resolution saying that we will work together with students and their families and community members to resolve issues surrounding safety. She's asking again, the response that she received from former City Administrator Matt Dowling was "I will talk to the Mayor, and we will see." She said since 2021 is a long time for a student who is advocating for student safety to wait for a response. She said that we support her with a resolution.

Councilwoman Vogt asked if it is school safety and it was approved by Kentucky, if it is something that the school promotes or takes care of, or the school would be promoting. Councilwoman Owen stated the State of Kentucky's resolution is asking all entities to come together to make sure that we are communicating and addressing issues around student and school safety. Councilwoman Owen stated that it is a collaborative effort and other councils across the nation have adopted this resolution. Destiny is asking that the city of Elsmere, with her being a citizen of and a senior at Lloyd High School, support the students and school district by passing the resolution. Councilwoman Owen asked the Mayor and council what the status of the resolution is. Mayor Lenhof asked if school safety week was in October. Councilwoman Owen stated that it was in October. Mayor Lenhof stated that a Resolution from the City of Elsmere would be read in October. Councilwoman Owen asked if it would be a resolution or a proclamation. Mayor Lenhof stated that it would be a resolution.

Councilwoman Owen state that she also attended the Labor Day community event and that it was a very well-organized event. She stated the bees were swarming, and they were very aggressive bees. And they were attacking children through seniors. She asked how the city might address the issue, as she had to take her mother to the hospital. Councilwoman Vogt stated that at this time of year the bees are out. Public Works Director Chris

Zerhusen stated that the city's property ends five feet behind the fence. If the bees are coming from back, there isn't anything the city can do as it is private property. Councilwoman Owen asked if there is anything we could do when the residents are on the city's property. Chris stated the city already sprays around the garbage cans. Councilwoman Owen stated the areas around the garbage cans was clean and that isn't where they saw bees. Her mother, Councilwoman Wilson of Erlanger, was stung by a hornet. Chris stated that you have to be careful what spray you use. Councilman Daniels stated that in the future to avoid the bees they can instead of holding and all-day events maybe limit it to the evening when the bees aren't as active. Councilwoman Owen stated that she was concerned because the head start was in that area. Councilwoman Barnett Smith asked if the head start was having issues with the bees. Councilwoman Owen stated that she would check on it. Councilwoman Barnett Smith stated if the school was having issues with the bees, then they would take care of it. Councilwoman Owen state she felt the city would have some responsibility to keep residents safe when they go to the park, knowing that there is an issue. Councilwoman Barnett Smith state that if the city keeps the park clean, healthy, and open then that is what is necessary. She stated that if you know the bees are at the location then you should avoid it.

Mr. Eric Bunzow, 518 Ripple Creek Drive, Addressed the council concerning the bees, he stated that he had had both hornets and a yellow jacket all summer long. Ms. Sarah Hillman had an underground nest in her backyard. He stated that with his chickens he has flies, he has had to put up two fly traps and a yellow jacket back. He stated the chickens are doing well. He did have a rooster and it has been relocated to Burlington. His neighbor has commented that there is not a smell coming from the chickens. He invited the council to come out and look at his chickens. He was asked if they were producing eggs yet? He stated that they were not old enough yet.

Councilwoman Vogt asked if he knew he had a rooster when he purchased them. He stated that he did not know it was a rooster.

Councilwoman Grubbs stated that it really worked out to get the neighbors approval.

Mr. Willie Ewell asked if an ordinance had been passed to allow chickens in the city? Councilwoman Barnett Smith stated that an ordinance was passed to allow a pilot program of five residents to have chickens for a period of one year. Mr. Ewell stated that he had gone down Leslie Marie Court and he heard chickens. Mr. Bunzow stated that there are five residents who have permission to have chickens. Attorney Voss explained the pilot program and that it would be for a year. Mr. Ewell stated that he had lived within the city for over forty years and the city had eliminated allowing chickens. He asked how it had been brought back up. Attorney Voss stated that we had numerous residents ask for it and the city council agreed to have a pilot program. Mr. Ewell asked if he wanted to have pigs or cows would he be able to. Attorney Voss stated that this is exclusive to chickens. He stated that many cities have ordinances to allow chickens.

Mr. Ewell asked if someone wanted to bring pigs into the city what they would do. Councilman Daniels stated they would have to follow the same procedure as the residents with the chickens did.

Councilwoman Vogt stated that it would also depend on the number of residents that wish to have the animal. Mr. Ewell stated that this is opening doors for other animals that have been eliminated. Attorney Voss stated that the council cannot see in the future. They will have to deal with each situation as it is brought to the council.

It was asked whether after the pilot program and the council allow it to go on is it only the five people or would it be anyone that wishes to have chickens. Mr. Bunzow stated that he was going to recommend allowing five additional residents for another year. It was asked if the residents still had to get their neighbors to sign off on it.

Ms. Lynn Lawrence – Addressed the council concerning Air BNBs in her subdivision. She stated that former City Administrator Dowling had told her that there would be a stipulation that the Air BNB would have to be rented for thirty days. Ms. Lawrence stated that she has had issues with one that is behind her property. She has had issues with noise and large vehicle parking on the street. She stated that she has called the police and it's hit or miss if the police would come out or not. She asked if there was anything that the city could do about the Air BNBs.

Ms. Lawrence also asked about the yellow stripes that the city has put all over the city. She stated that the yellow stripe is in front of her elderly mother's house. Public Work's Director Chris Zerhusen stated that when the latest parking ordinance was passed, he drove the city with the police chief and city administrator and identified the areas that were to be designated as no parking zones. Ms. Lawrence stated that for years vehicles were able to get through the area, police, Fire, and Ambulances were able to get through the area, and if the snowplows were able to get through the area. She asked that the city please reconsider the yellow lines. She asked that if we cannot do it throughout the city, that we look into having it removed from in front of her home. Attorney Voss stated that the city could not spot zone. Chris stated that the Ordinance was passed in 2019. Ms. Lawrence stated that if the council passed it then they could also reverse. Mr. Daniels stated that the council could revisit, but to change it they would have to prove that it is not safe at all.

Ms. Lawrence also said a study was completed on Autumn, what has the city contemplated doing about all of the traffic now that the buildings are being occupied. Chris stated that the previous chief had done a study. She has asked to have the police run radar. Mayor Lenhof stated that the city is well aware of the traffic concerns. He stated that before anything was torn down out there, that was his concern we brought in an engineer who gave us some options. This is an ongoing thing. The area is not built out yet. The mayor suggested adding a different lane out there and getting everyone going down Garvey Avenue off, they would have to go down to New Buffington or out to Foundation and they would not be able to get into Turkeyfoot Acres. The problem with that is there wasn't enough land out there to build the extra lanes. Mayor Lenhof stated that the city has even looked at speed cushions. The city is still reviewing the area. He said the city needed to do something to deter the people from going there. Ms. Lawrence stated that another problem is the semi-trucks. Mayor stated that the city continually watched the area. The city has done a study for Tank Bus, at the time there wasn't enough ridership. The city is also going to put sidewalks through there. The city has to coordinate with Florence, and Boone County. The bridge through there will also have pedestrian crossing.

Councilwoman Owen asked to have the Air BNB discussion to the agenda for October. She also asked to have the Crown Act on the agenda for October. She also asked to have the Kentucky League of Cities City Government Month on the Agenda for the council meeting.

#### **DISCUSSION ITEMS:**

**City of Elsmere Banking Proposal** – Mayor Lenhof stated that the council had a memo from Treasurer Jessica Lucius about the Banking Proposal that was issued. The treasurer proposed signing a new contract with Heritage Bank.

**Ordinance 1828-2023** – First Reading – Property Tax Rate  
**Attorney Greg Voss read the ordinance in summary for the first reading.**

**Ordinance 1829-2023** – First Reading – TBNK Franchise Agreement  
**Attorney Greg Voss read the ordinance in summary for the first reading.**

Councilwoman Gloria Grubbs made a motion to enter into executive session per KRS 61.810(1)(d) discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee without restricting that employee's right to a public hearing. Councilwoman Missy Tester seconded the motion. The council entered executive session at 7:45 pm.

Councilwoman Gloria Grubbs made a motion to reconvene from executive session. Councilwoman Joanne Barnett Smith seconded the motion. All members of council voted aye. Regular session reconvened at 8:06 pm.

Councilwoman Grubbs made a motion, in accordance with KRS 61.810 (1)(d), to recommend Mayor Lenhof to begin negotiations with Michael P Bartlet to become the new city administrator. Councilwoman Vogt asked for a vote. All council members present voted aye. Motion carried.

**Councilwoman Grubbs** had no report.

**Councilman Daniels** had no report.

**Councilwoman Barnett Smith** had no report.

**Councilwoman Vogt** had nothing to report.

**Councilwoman Tester** had nothing to report.

**Councilwoman Owen** stated that she would like to add a couple of things for the agenda for the September city council meeting. She stated that she had requested these items before so now she's renewing her request. She would like to add the Kentucky League of Cities City Government Month resolution. She has sent a copy of the resolution to members of council. Mayor Lenhof stated that the City of Elsmere had always done their government month in February. He stated that was this way even when he was on council. Councilwoman Owen stated that the city had a student government month with the students. But she thought that the city would still honor the City Government Month with the Kentucky League of Cities. Attorney Greg Voss asked if any other council member had any comments. Councilman Daniels stated that he had brought up the KLC Government resolution during the last session and he was told that the city did it in February and they always stuck to that. Not that the city doesn't recognize government moth, they just do it in February. Serena asked if the city would not be adopting the resolution, because they did not adopt one in February so when the KLC sent us a message asking us to adopt a resolution that is why she brought it up. Councilwoman Grubbs stated that the council would not be adopting the resolution.

Councilwoman Owen asked that the resolution for safe schools and students' week for October to be added to the agenda.

Councilwoman Owen also asked to have the Crown Act ordinance. She asked to have the ordinance placed on the agenda for the city council meeting. Mayor Lenhof asked if she was asking to have it placed on the agenda to vote on? Councilwoman Owen stated that the ordinance had not been placed on the agenda for a first reading. Mayor Lenhof stated that he had not put it on the agenda because the majority of the council have not agreed or acted like they were interested in this ordinance, and he doesn't want to put it on the agenda just to have it voted down. He stated that he had never got the impression that the council wanted to vote on it. He stated that the city had done research on it and the cities that have it are large cities in the state such as Louisville, Lexington, Owensboro, Paducah, and Covington. One issue that he has with the act is those particular cities if you pass the Crown Act that you have to have a civil rights commission. He asked if someone wants to appeal to the Crown Act who would the appeal it to, all of these cities have a civil rights commission to appeal it to. Councilwoman Owen stated that Cincinnati and Frankfort do not have a civil rights commission. Mayor Lenhof stated that it is hard to get residents to serve on boards for the city, and that is one person. He stated that he doesn't feel that it could be done. The reason he has not put it on the agenda is he doesn't feel that the people want it. Councilwoman Owen stated that she had done the research and the Crown Act protects students, city workers, and community members from hair discrimination. This mostly affects people of color, and it doesn't require a civil rights commission. She is asking that it be put on the agenda for education purposes. She stated that she has former representative Addica Scott who advocated as a state representative in Frankfort for the Crown Act. There are multiple cities across the commonwealth who have adopted the Crown Act to protect their students and communities from harmful hair discrimination. Ms. Scott is willing to come to educate our community and council more on the Crown Act so that once

we know that we do not need a human rights commission to provide safe security for our students and our workers. Councilwoman Vogt stated that she was under the impression that when the council discussed it the city could follow the state. Councilwoman Grubbs stated the city doesn't discriminate at all. She stated that she looked to see if there had been any complaints filed concerning hair and she could not find any. Councilwoman Owen stated that the former representative is willing to come and share her personal story of when she was a representative of how her daughter was discriminated at school because of her hair. She is willing to come to share her story. Mayor Lenhof stated that he runs the agenda and when someone wishes to speak, she needs to go through him. Mayor Lenhof stated that with everything Councilwoman Owen said is not anything new that the council hasn't already heard. Councilwoman Owen state that Representative Scott would be able to provide new information. Councilwoman Owen stated that Representative Scott could provide more information on this bill because she represented.

Mayor Lenhof called for a roll call vote to see if the council was in favor of voting for the Crown Act. Councilwoman Owen stated that she was promised to have a copy of an ordinance so that the council could have a fully informed decision.

City Clerk Misty Ezell performed a roll call vote:

Councilwoman Grubbs - No  
Councilman Daniels – Yes  
Councilwoman Barnett Smith – No  
Councilwoman Vogt – No  
Councilwoman Tester – No  
Councilwoman Owen – Yes

Councilwoman Owen also asked to have the Air BNB discussion on the next caucus.

#### ADJOURNMENT

Councilwoman Grubbs called for a motion to adjourn. Councilwoman Tester made the motion and Councilwoman Barnett Smith seconded. The meeting adjourned at 8:22 pm.

  
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Mayor Marty Lenhof

Attest:

  
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Misty Ezell, City Clerk