



CITY OF LAKESIDE PARK, KENTUCKY
SPECIAL CITY COUNCIL MEETING MINUTES
Thursday, January 30, 2025

- 1) **CALL TO ORDER** – Mayor Paul R. Markgraf called the meeting to order at 6:02 PM.
- 2) **Roll Call** – The following were in attendance: Mayor Markgraf, Attorney Greg Voss, City Clerk Teresa Bruck, Public Works Director Steve Greer, City Engineer Marty Hellman as well as the following council members: Tom Bernheimer, Dennis Landwehr, Cassi Schabell, Mary Ann Thamann, Brian Waite, and Dave Wolfer.
- 3) **Public Comments (limited to three (3) minutes per resident and only on the topic of sidewalks) included the following residents:**
 - i) Rob Schneeman, of 214 Applewood Drive presented the following questions: did a resident of the city or the city get sued regarding sidewalks; did Precision Concrete Cutting solicit directly to the city to start this process; if this is a federal law to maintain sidewalks, why hasn't this been addressed earlier to prevent lawsuits; why is the sidewalk ordinance being addressed now when there is other ordinances being overlooked when complaints are made to PDS.
 - ii) Bret Wilcox, 270 Farmington Drive, presented the following questions: who is paying for the sidewalks; seventy (70) percent of the residents on Farmington have sump pumps and with a permit from Sanitation District No. 1 you can connect to the city storm sewer. With the discharge of storm water from sump pumps running onto the sidewalks causing erosion issues and decreasing the sidewalk lifespan, how do you address this sidewalk issue.
- 4) **Mayor's comments**

The mayor advised Mr. Wilcox that public works is aware of the discharge issue of sump pump water running over the sidewalks on Farmington Drive and it is being investigated on what to do about it.

The mayor said given the fact that half the residents of Lakeside Park do not have sidewalks, it seems there is a need for the public to have a better understanding of the sidewalk process and provided a presentation that explained the differences between replacing a sidewalk that is attached to the roadway versus a parallel sidewalk that is separated by grassy area. He indicated that it is not fair to ask a homeowner to replace a sidewalk that would be damaged by road repair or reconstruction. He then presented the difference between constructing sidewalks versus the maintenance that is required by the homeowner after construction is completed. The reason sidewalks are assessed is to investigate trip hazards and all the city sidewalks were assessed in this project and not just Arcadia. The city advised the residents that we plan to pay half the cost of repairs. There are two types of repairs that include full

replacement along with the other type being grinding, which most of the residents fall in this category. Letters were sent to homeowners advising them that this work needs to be done with no deadline, and there will be additional letters going out to explain the next process when the bid starts.

5) Sidewalk Topic Discussion

- a) **Sidewalk assessment projects-** the mayor explained this was referenced in his comments.
- b) **Sidewalk ordinances-** the mayor disbursed the full text of our sidewalk ordinance to council with separate articles for construction vs maintenance.
- c) **Road construction projects involving city funds for sidewalks-** the mayor advised that the council is very prudent with city funds for road and sidewalk projects.

The mayor stated the sidewalks on Farmington and Geisen were not charged for replacement of sidewalks when their total street reconstruction was done because the sidewalks were not damaged by the street reconstruction.

- d) **Establishing a sidewalk task force-** the mayor advised once the sidewalks are completed, there will be no need for a task force as the sidewalks should not need to be redone for years.

6) Comments from Council

Ms. Thaman said since the last assessment was 2007, she feels assessing the sidewalks should be on a set timeframe for the future. Mr. Hellman advised they could include that as part of the 5-year street assessment.

Ms. Schabell had several questions about funding for this project; and it was advised there was only an assessment for this project and an estimation of the costs, the process for bidding comes later.

Ms. Schabell also inquired about Bellemonte not getting a sidewalk replacement letter and it was advised that a grant for this project was applied for, and the grant status is pending. If the grant is approved, it may include sidewalks.

Ms. Schabell then inquired about the trees on Arcadia, and it was advised that only trees directly impeding on the sidewalks that are causing trip hazards were assessed. Mr. Greer advised there are only 3 trees on Arcadia and 1 on Colony South of concern and not 37 trees.

Ms. Schabell inquired if the State roads are included with this sidewalk project, and was advised we do not yet have consent from the Transportation Cabinet as they take care of those. However, the mayor advised that in speaking to other mayors, he was advised that on State routes the State refuses to do anything or contribute any funding. Ms. Schabell then advised she spoke to Representative Kim Banta, who met with Mr. Yeager from the Transportation Cabinet, and he advised the local cities are to decide if the city or their residents pay for the sidewalk repairs on State routes.

Mr. Bernheimer made a comment that there are 1120 properties in the city and of that there are 320 properties with sidewalks showing only 28 % of the total properties have sidewalks. Out of those 320 properties only 205 properties currently have damaged sidewalks. He feels

this is improper use of time, energy, and financial resources to change the ordinance to accommodate paying for the repair of all sidewalks as there are more people in the city that do not have them. He is surprised that the people that do not have sidewalks aren't the residents complaining. So, for this reason, the decision to pay half the repair costs for those residents is more than appropriate. Ms. Schabell stated she feels because Arcadia and other streets like it do not have the same sidewalk variables as those streets then the streets such as Arcadia are not being treated fairly, nor is the ordinance being followed correctly. Mr. Waite asked her to clarify how they have not been following the ordinance correctly. Ms. Schabell responded that it is not being enforced correctly. Mr. Bernheimer said that is not true because of the different variations in the road repair involved for each project but that does not mean the city should be responsible for all the sidewalks nor should we have to put a sidewalk in every community because it would be a logistic nightmare and would bankrupt the city. Ms. Schabell would like to explore the budget and find another method to make this fair. Mr. Bernheimer asked when her questioning were going to conclude and allow this project to move forward.

Mr. Waite asked for clarification of Ms. Schabell's position such as paying for sidewalks, paying for half or not paying for anything as he is getting lost as to what she wants? Ms. Schabell's stated it's not equal, and Mr. Waite asked how it is not equal? She then stated she would like to know what other streets in the city have had their sidewalks redone fresh other than North Ashbrook, South Ashbrook and Applewood? Mr. Landwehr advised that we are missing the thought process of the 5-year program that is in place like the ongoing street projects that we budget. Mr. Greer advised that this assessment was done to point out the trip hazards, and that you cannot walk up Arcadia without a trip hazard or a lot of other streets. He said they are trying to resolve the trip hazards. He advised, he knew this would be a hot button, but he saw a need for this to be done as he had found it had not been addressed for quite some time. Mr. Landwehr asked Ms. Schabell to advise the group what she wants them to do. Ms. Schabell presented to do away with the recreation and a recreation director from the budget. The mayor said we are only here to talk about sidewalks. Ms. Schabell said residents on Locust and West Lakeside Side without sidewalks frequently walk on those streets that have sidewalks for recreation purposes such as walking, running, etc. and that is why she brought up the recreation budget. That is why the mayor said he proposed to pay half as there are residents that use the sidewalks other than the residents that have them. Mr. Waite asked if Ms. Schabell is proposing a budget amendment to move the recreation funds to pay for sidewalks? She suggested we develop a task force for things like that, but she is not going to propose any changes at this time. Attorney Greg Voss advised we need to stay on the topic of sidewalks and not changing the budget. Mr. Waite retracted his questions. Ms. Schabell said the ordinance needs to be updated and then maybe take funds from somewhere else in the budget for the sidewalk repairs. Mr. Waite asked Ms. Schabell if she was questioning the source of the funding for this project as he was confused and felt like they were just circling and not sure what we were circling. She said she has not provided with the project costs and still needs what was budgeted for this project. The mayor advised it is not a line-item budget but comes out of the Public Works budget as a whole. She asked where to find this information and was advised it is on the website. Mr. Voss clarified there is a category on the budget for public works, but each project does not have a line-item entry. Ms. Schabell wants to explore pulling things from other places and she said residents with and without sidewalks feel that the ordinance is not being applied equally. The mayor advised that it is because the residents do not understand the difference between construction and maintenance of sidewalks and have been misled. Mr. Waite asked exactly what Ms. Schabell means that the ordinance is not being applied equally. Ms. Schabell said that question was addressed 4 times tonight, but Mr. Waite advised her he wanted to get a response, so he didn't have to ask again. She said the ordinance stated the property owner is

responsible for the construction, and Mr. Waite clarified they are responsible for the maintenance. She agreed that when a resident's sidewalk is damaged by a jackhammer during reconstruction then yes it needs to be repaired. Mr. Waite asked if Ms. Schabell understood the difference between a reconstruction on Arcadia versus Ashbrook and she said it made sense, but that Mr. Waite was missing her point. He asked for clarification again. She said the other streets are being at a disadvantage because they do not have to do the upkeep as they are getting new sidewalks with the reconstructions. But Mr. Waite pointed out that the majority of the residents are at a disadvantage as the majority don't have sidewalks at all. The mayor then referenced what Ms. Schabell previously referenced, under section 41.03, after construction the homeowner is responsible for the sidewalk maintenance and necessary repairs in accord with Article II so, regardless of who constructs it, the homeowner is charged with the maintenance. Ms. Schabell stated she spoke to tons of residents about these sidewalk issues. Mr. Bernheimer asked Ms. Schabell to elaborate on the tons of residents' means. She said it was the people that live on streets with sidewalks that she has talked to and also without sidewalks. Mr. Bernheimer asked if it is the people that have sidewalks that the city is willing to pay 50% of the cost of the maintenance and repairs. Those people? Ms. Schabell said no. She doesn't think people want a bill right now with the economy for anything and it is sort of a surprise to have to pay for now. She said it's just an issue. Mr. Waite pointed out that when talking about the economy he thinks the residents would be willing to pay half the cost when the homeowner is responsible 100%; the council also reduced tax 6% last year and also pays half the waste costs; he feels that it is a bit irresponsible for Ms. Schabell to make that statement when not considering all the facts. Mr. Landwehr asked Mr. Greer out of the sidewalk letters that went out, how many called you, and Mr. Greer said approximately 40 responded. Mr. Greer went out and spoke to those residents, explained the process to them and they had no questions and were satisfied with the explanation and were very grateful. Ms. Thaman asked if sidewalks that have been paid for due to road construction will have to be addressed again in the future when the road must be replaced again. Mr. Hellman said the sidewalk would go back to the homeowner's responsibility until the road has to be reconstructed around 20 or 25 years down the line and at which point the sidewalk would be addressed again if there is a road construction project. Mr. Hellman also advised that if there is a reconstruction then it would be converted to concrete construction with rolled curbs and resurfacing would continue on the streets that we currently do that process on. Mr. Greer advised if we could reconstruct a street and not damage the sidewalks in that process then that's what they try to do. He provided the difference on when they have to redo the sidewalks under construction when they do not.

Ms. Thaman asked if there is a way to amend the ordinance for more clarification and the mayor advised he is working on that currently.

The mayor added when the next letter goes out to residents, there will be neighborhood meetings. Also, there will be options for resident payments that will be discussed on a case-by-case basis.

Mr. Landwehr asked if there is anything we need to do at this meeting in order to continue this project, and the mayor advised we are moving forward with bids now.

- 7) **ADJOURNMENT** - Motion to adjourn by Dennis Landwehr; seconded by Tom Bernheimer. Motion to adjourn carried with all ayes and no opposing votes. The meeting was adjourned at 7:25PM.

APPROVED:


Paul R. Markgraf, Mayor

ATTEST:


Teresa L. Bruck, City Clerk/Treasurer

AYES: 3
NAYS: 1
ABSTAIN: