

Cold Spring City Council August 28, 2006

The regular meeting of Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag was recited and a prayer was lead by the Assistant City Clerk. Roll call showed the following present – Charles Gray, Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel and Stuart Oehrle. Also present were Tom Benke, Ed Burk, Rita Seger and Brandon Voelker.

Under Items of Interest it was decided that Item E., Winner of the Park Naming Contest, be tabled until the special meeting on September 11th due to the high volume of entries. At that time, the winners will be announced and invited to attend the September council meeting to receive their awards. In place on the contest, the Yard of the Month award will be listed as Item E under Items of Interest. Lou Gerding requested that under New Business, Item C regarding the exercise facility be removed and instead be included as part of the second reading of Ordinance 06-917 updating the Employee Policy manual with revisions which is located under Old Business, Item A.

Mayor Stoeber then discussed Items of Interest to the Community. June Schalk, Cold Spring police clerk for many years, announced her retirement effective August 1, 2006 and Mayor Stoeber expressed his congratulations and thanks to June, and read a proclamation which will be presented to her along with a plaque.

Mayor Stoeber gave an update on the Cruise-in/Concert which was held on August 12th. Special thanks and recognition go to Nancy Bay who coordinates the event, and thanks to the Parks Recreation and Tree Commission for all of their work. Close to 200 cars were entered in the Cruise In and we had a very large crowd also attending the Concert. Many items in the booths were sold out.

Also, during the Cruise-In/Concert raffle tickets were sold for a mini-cornhole game which was donated to the city. Proceeds are put in the fund for our Operation Hug program. The winner of this raffle was Mary Joe Galbaugh.

Another annual event is our Fishing Derby which will be held this Saturday, September 2nd from 7 am to noon at the Cold Spring Roadhouse Lake. Children ages 6 thru 12 along with their parents will line up along the lake and it is a wonderful and fun event with free food and prizes. At the Fishing Derby as well as our Day in the Park on October 1st, we will have another raffle of a donated mini-cornhole game, with proceeds again going to our Operation Hug program. The winner of the cornhole game will be drawn at the Day in the Park on October 1st.

Councilman Charles Gray asked Mr. and Mrs. Jerome Quitter, 6 Henry Court, to step forward. He presented them with the Yard of the Month award for August. Charles Gray also announced that Tuesday was Mr. Quitter's 85th birthday. Mr. and Mrs. Quitter were congratulated with a round of applause.

Mayor Stoeber reviewed the start of the Street Project Phase II. Seven streets are being replaced throughout the city and also Glenridge and section of Ridgepointe is being resurfaced. He said JPS/Pickett been doing a great job with the re-construction. Many of the streets are already half done. All is moving well within the target date of the end of September.

Mayor Stoeber gave an update of the Veteran's Memorial. They have met with a couple of the contractors to get this monument up and running. A meeting at 6 o'clock on Tuesday, August 29 will be held with the contractors in the mayor's office.

The City of Cold Spring was just recently awarded \$65,000.00 for a Road Bond Fund and that will go toward the street re-construction project and Mayor Stoeber said we are very pleased to receive this to help defray the costs.

Mayor Stoeber announced that, as always there will be a drawing for an American flag plus a pole for a city resident who stays until the end of the meeting.

Minutes of the July 24, 2006 regular council meeting were reviewed by all. A motion was made by Lou Gerding to approve these minutes, Stuart Oehrle seconded the motion. Dave Guidugli stated that on page 1, paragraph 2, his name should be stricken to improve the flow of the sentence. Lou Gerding said on page 2, paragraph 2 the motion to approve was made by him and not Stuart Oehrle, and Stuart Oehrle had seconded the motion and not Dave Guidugli. Lou Gerding also stated page 2, 3rd paragraph from the bottom, the award amount of \$100 should be changed to \$500, \$200, and \$100 savings bonds would be awarded. All were in favor of approval of these minutes with changes. Motion carried.

Minutes of the August 14 special meeting were reviewed by all. Motion to approve these minutes was made by Lou Gerding and seconded by Stuart Oehrle. All were in favor. Motion carried.

Dennis Gordon, along with his directors from Northern Kentucky Area Planning Commission was present to review our continuing communication process bi-monthly report. It has been one year since the city and NKAPC has entered into this planning and zoning and building program agreement. He reviewed a few of their accomplishments. During this time they have launched a website providing to contractors, homeowners and area residents information online regarding activities such as inputting concerns of violations, information on building or electric permits and much more. The city's comprehensive plan was completed during this time period and has been adopted by our Planning Commission. They have been dedicated to resolving any problems that have arisen and have gotten beyond them. The most widely discussed element of this plan has been the electric inspections. It is now operating smoothly. Mr. Gordon introduced John Lauber who is the deputy director for building codes administration for NKAPC to provide additional information to council.

Mr. Lauber stated that the majority of electrical permits (55%) are 3 days turn around, some are two days, some are four days (typically because more information is needed). Inspection times usually are scheduled the next day if phoned in the morning, and not until the day following if phoned in the afternoon. Building inspections are usually the next day. They have worked hard to get the lead time down on the building permit process.

Mr. Gordon reviewed the action taken at the last Cold Spring council meeting, to formally adopt the Kentucky Building Code and other various codes that are included. As soon as signatures are obtained on the formal paperwork they are ready to go. Mr. Gordon said that if the state finds local jurisdictions able, thru technical skills to pursue additional jurisdictions that the state inspector normally do, then the state can grant that local jurisdictions take on these additional jurisdictions. This is what NKAPC is now pursuing. In this way they can ensure that both state and city requirements are met before a certificate of occupancy is issued.

Mr. Gordon said that they are working to implement a program to accept credit card payments for permits and fees. The equipment has been installed but they are still working on bookkeeping issues with the administrators of this program. Kathy Noel asked who would pay for the processing fee. Mr. Gordon said that is wrapped into the fee schedule.

Mr. Gordon summarized a report, which he passed out showing the projected total amount of money they would have billed the City of Cold Spring for time spent in pursuit of applications, plan reviews, etc. if still under the old contract for that twelve month period.

Dave Guidugli had spoken to someone from NKAPC about downspouts on a house in Jude Point. The curb had been cut so the pipe would drain directly onto the street. He was told would be resolved, but it is still there. Scott Hiles of NKAPC replied that they had sent a violation letter. There are more homes with the same problem. People are living in the home. It is now a public street. The city has the recourse to take the homeowner to court. NKAPC has given us the background to tell them they have violated the law/subdivision regulations. It was the assumption of NKAPC that the homeowner contracted to have it done that way.

Mayor Stoeber replied that this has been additionally complicated by the fact that the homeowner put an invisible fence on top of that line and also a sprinkler system and landscaping.

Dennis Gordon thanked the Mayor and Council for trust the city has shown them. They are dedicated to providing the best service that they can and to please let them know of any problems. They will do their best to resolve these issues.

Fred Osburg of 226 Ridgepointe Drive, was present. He recounted problems that he has had with NKAPC electrical inspectors while in the process of installing an inground pool. Beginning on July 18 he has had four different electrical inspections, and another is still required. Each time he has had the violations corrected and each time there are more added. He was home at the time of the first two inspections, but they did not make him aware of their presence and just left paperwork at his door. At the third inspection only one violation was noted, which he did have corrected, but after the fourth inspection, the inspector came up with three more and didn't even check to see if the violation reported at the third inspection had been taken care of. He hopes when they come back for a fifth inspection they won't suddenly come up with more violations. Mr. Osburg asks how a certified inspector can not find things that a second inspector finds. Going to Ft. Mitchell for permits is an inconvenience for the citizens, and then the inspectors add on more and more violations instead of finding them all at once. He states that this is not right. Other people he has spoken to have had similar problems. He would like the city to consider these problems before approving another contract with them.

Dave Guidugli asked if he was charged for each inspection. Mr. Osburg replied that he was not charged even though the forms do show a fee re-inspection charge is required.

Dennis Gordon of NKAPC replied that it is up to the inspectors as to whether or not to charge a re-inspection fee for frequent violations for flagrant and repeated violations.

Mayor Stoeber verified that Mr. Osburg's contact, up until the time he sent his letter to the directors, was with the inspectors. Mayor Stoeber wants to make sure that the service is provided at the everyday level but also that if issues arise they can be elevated to management levels should problems persist. He urged Mr. Osburg, along with the directors from NKAPC who were present tonight to meet face to face and resolve this problem. Mr. Osburg said the inspections were done on a timely basis, it is just the violations that were repeatedly added on that were causing the problems.

Lou Gerding requested that council receive a written review from NKAPC on how they are resolving this issue and Mr. Gordon said he would be happy to do so.

Ordinance 06-917 updating the employee policy manual with revisions, and also to incorporate a police exercise rebate program was read in summary for the 2nd time. Stuart Oehrle made a motion to adopt this ordinance. Charles Gray seconded the motion. Lou Gerding verified that the rebate program in the amount of \$200 would be incorporated into this ordinance. Stuart Oehrle amended his motion to adopt this ordinance with the rebate program amount being \$200. Charles Gray seconded the motion. Roll call vote showed six yeses and no noes. Motion carried.

Ordinance 06-918 updating the existing storage container (pods) ordinance was read in summary form for the 2nd time. Brandon Voelker suggested that this be tabled for the special meeting on September 11 in order that council receive all of the proper paperwork.

Mayor Stoeber discussed proper procedures with attorney Brandon Voelker on the consensual annexation of E. Low Gap - residents portion. Brandon Voelker replied that we could just have a second reading for the consensual annexation of residents portion only tonight, since we have already had a 1st reading on the residents portion of E. Low Gap. Council would first have to authorize the mayor to sign the annexation agreements with the E. Low Gap residents. Stuart Oehrle made a **motion to authorize the mayor to sign the consensual annexation agreements with the E. Low Gap residents.** Rob Moore seconded the motion. Lou Gerding asked if, the wording in the annexation agreement paragraph 2 should include "or developed". Brandon Voelker replied that if the properties were developed, then there would likely be a transfer of ownership. Lot size is just under one acre, plus the zoning classification is residential so no other development could go on it. Roll call vote showed six yeses and no noes. Motion carried.

Philip Knox of 1082 E. Low Gap questioned if this was all done according to state law. He said he was not informed of this meeting for the 2nd reading. He said his neighbor has never received a letter from the city regarding this. He asked if the annexation agreement should be notarized. He did not like the way that the information by disseminated by a neighbor instead of the city. Mayor Stoeber commented that this has all been done legally in accordance to state law. The former owner of his neighbor's property was notified of these procedures during his ownership. Many meetings were held with the city and residents regarding this matter.

Brandon Voelker said that this was a consensual annexation to the property owners who choose to participate. There is no requirement that the annexation agreement be notarized. If Mr. Knox does not want to sign, he would not be annexed under this consensual annexation. The city could move to act non-consensually on his property, but he would not then be entitled to the benefits given to those who choose to be annexed.

Phil Knox asked for an explanation of the benefits. Brandon Voelker replied that the tax abatement is five years starting the next tax year and going forward, or until the time the property is sold or transferred. The tap in fee is for if or when a sewer is developed in that area. This tap in fee would be paid by the city.

Mayor Stoeber stated that they have all the signatures except for two properties. Lou Gerding asked if it would be to our advantage to hold off on this and just do a non-consensual annexation. He doesn't want to create more gaps in the city. Mr. Knox said he would not participate until he received further explanation. He is concerned about additional expenses that might be incurred when the sewer line is placed. Brandon Voelker said no one could tell him now where the placement of the sewer line would be. Stuart Oehrle replied that whether Mr. Knox is annexed by the city or not, if a sewer line does go in he will still have to pay that expense, but if annexed into the city consensually, we would pay the tap in fee, plus the city will abate his taxes, beginning January 1 for a period of five years.

Brandon Voelker stated that in a non-consensual annexation the city could not accomplish what can be done in a consensual annexation agreement. Mayor Stoeber said the city would rather not do that, but would like to be able to provide benefits for the individuals wanting to come into the city. The city is trying to help the residents out for their cooperation and time spent on this situation. Mayor Stoeber stated that this is a culmination of the work that has been done for the past year and a half, including several meetings in which Mr. Knox was present. All has been done in a legal manner.

Rob Moore verified that since we have had the 1st reading of a non-consensual annexation we could act on it at our next special meeting on September 11 if necessary. He called for the question on the previously made motion for authorization of the mayor to sign the consensual annexation agreement with the property owners of E. Low Gap who wish to sign. Roll call vote showed six yeses and no noes. Motion carried.

The 2nd reading on the consensual annexation agreement was then tabled, for discussion at the special September 11th meeting.

Ordinance 06-919 consensual conditional annexation and rezone to MUPD properties (Bray, Pickett properties) was read in summary form for the 1st time. Brandon Voelker said they have been offered the same five year tax abatement, unless the property is transferred. Lou Gerding verified that the sewer tap in fee payment is not included. Dave Guidugli made a motion to approve this first reading. Rob Moore seconded the motion. Roll call vote showed six yeses and no noes. Motion carried.

Councilman Stuart Oehrle was excused from the council meeting at this point.

Ordinance 06-920 approval of street loan financing plan with Kentucky League of Cities was read in summary form for the first time. Dave Guidugli made a motion to approve this first reading, Lou Gerding seconded the motion. Roll call vote showed 5 yeses and no noes. Motion carried.

Brandon Voelker stated that council would need to authorize the mayor to sign the annexation agreement with RL Corporation, Bray Enterprises, and Jim and Bonnie Pickett. Lou Gerding verified that the tax abatement is void if the property is transferred and said this should also include the wording "or developed". Brandon Voelker said they do not plan to develop. Mr. Voelker will make sure that Mr. Bray is clear on this. Mayor Stoeber stated this motion to authorize signature will be based on wording in Ordinance 06-919 to include wording that the tax abatement is void if transferred or developed.

Dave Guidugli made a motion to **authorize the mayor to sign the annexation agreement with R L Corporation, Bray Enterprises, and Jim and Bonnie Pickett with a language change of "transferred or developed" added to the agreement.** Lou Gerding seconded the motion. Roll call vote showed five yeses and no noes. Motion carried.

The discussion for setting a time for Trick or Trick was tabled for discussion at the next caucus meeting.

Police Chief Ed Burk said that April Robinson has been hired as Police Clerk and will begin work this week.

Charles Gray reminded everyone that the Fishing Derby will be held on September 2nd and also the Day in the Park will be held on October 1st. The Parks, Recreation and Tree Commission have been hard at work.

Dave Guidugli asked that our Code Enforcement Officer take a look at the grass and weeds that have grown up at the site of the old K-Mart Building, now Furniture Fair and see about having that taken care of. Also, the landscaping at Crossroads Boulevard exit has been unfinished going on two and a half years now and should be brought to the developer's attention.

Thanks again to the yard of the month winner Mr. and Mrs. Jerome Quitter

The attendance award for an American flag and pole was also awarded to Mr. and Mrs. Quitter.

Rob Moore made a motion to adjourn. Kathy Noel seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: