

## **Cold Spring City Council - Amended June 26, 2006**

The regular meeting of Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag was recited and prayer was lead by the City Clerk. Roll call showed the following present – Lou Gerding, Charles Gray, Dave Guidugli, Rob Moore, Kathy Noel and Stuart Oehrle.

Dave Guidugli requested an addition to New Business, to approve three new lights on Sandstone in Granite Spring. Brandon Voelker requested the addition at the end of the meeting of executive session per KRS 61.810, C. Litigation.

Mayor Stoeber expressed his thanks to Tom Baldrige, who was present along with his wife Shelly, for the years that he served on City Council. A proclamation was then read in his honor and a plaque was presented to him.

June 27, 7:05, will be Cold Spring Day at the Florence Freedom Park. We would have a large turnout and all are welcome.

Mayor Stoeber reported for Operation Hug, that we have received word that our unit will return from Iraq in August or September. We ask that donations stop for now. Operation Hug has sent over 1500 lbs of boxes to these troops, and we are anxiously waiting for their return.

Charles Gray, Park Board Liaison, discussed the Yard of the Month awards. Charles and Rosemary Wietholter, 1 Madonna, were the first winners. Mr. Wietholter was present and thanked the city for this honor. The current winner is Maxine Noble, 1006 Orchard Terrace West. She was also present and thanked the city also for recognizing her. Mayor Stoeber thanked the Park Commission for this program.

Mayor Stoeber discussed an article in the Enquirer which described Cold Spring as one of the fastest growing cities in Northern Kentucky and explaining the benefits of living in this area.

Also, an attendance prize will be given in a drawing for a flag at the end of this meeting.

The minutes of the May 22 meeting were reviewed by all. Stuart Oehrle made a motion to approve these minutes. Charles Gray seconded the motion. All were in favor. Motion carried. Stuart Oehrle then made a motion to approve the minutes of the special June 12 special meeting minutes. Motion was seconded by Lou Gerding. Roll call vote showed five yeses. Kathy Noel abstained she was not in attendance at that meeting. Motion carried.

Dennis Gordon, Executive Director of NKAPC, along with several staff members was present to provide feedback on the city's use of NKAPC. One of the issues to make the time line shorter relates to the electrical and hvac permits which may now be applied for at the same time as the building permit. Their web page is up and running and some permits may be seen at this web site, and credit card use will also be allowed. State level jurisdiction is not yet ready. An ordinance will be required that Cold Spring adopted the Kentucky Building Code and Kentucky Residential Code. The contract that we signed required that the fee be increased each July, however, due to their current profit it appears that no increase will be implemented this year. New subdivision regulations are being looked at for the end of this calendar year. A new aerial map was presented tonight. Also a transportation engineer will be added to staff and will provide service to our Planning & Zoning Commission.

Stuart Oehrle questioned the reports that are received from NKAPC. Mike Schwartz is agreeable to look at the problem and try to work it out, hopefully by next month.

Mike Johnson, Schabell Drive resident, submitted a petition requesting that the Ripple Creek property under consideration tonight for rezoning, not be zoned SDA. This could cause high volumes of traffic in their residential area.

Gerald Hodges, 5899 Ripple Creek Road, discussed the property south of Campbell County Auto Body. He commented that this area is not currently safe and suggested that Sabre Drive be continued through this property to US 27 and eliminate much of the problems.

**Ordinance 06-908, approving the amended Stage I Plan for a medical building, which will include a dialysis center, on the CMC property with conditions recommended by Cold Spring Planning & Zoning, was read**

for the second time in summary form. Dave Guidugli made a motion to adopt this ordinance. Rob Moore seconded the motion. Roll call vote showed five yeses and one abstention – Kathy Noel. Motion carried.

Bids for the 2006 Street Program have been opened and results copied to all council members. Stuart Oehrle made a **motion to accept the recommended bid**. Rob Moore seconded the motion. Mr. Oehrle made an amended motion to accept the JPS bid in the amount of \$769,166.30. Mr. Moore seconded the amended motion. Roll call vote showed six yeses and no noes. Motion carried. Dave Guidugli added that JPS has done other projects for the city and they know what we expect, especially for clean up, so there should be few problems. Residents will be notified of the work in the next week or so.

Stuart Oehrle reported on actions taken at the most recent Planning & Zoning meeting's five public hearings. Mayor Stoeber questioned City Attorney Brandon Voelker if it is OK for Stuart Oehrle to participate and/or vote on these matters at City Council deliberations. Mr. Voelker stated that it is OK for him to participate. Also Planning & Zoning would like to be informed of applications made by the city, in advance of the public hearing.

Mayor Stoeber stated that the next four items on the agenda are the result of a large area and many cooperative discussions between the city, developers and residents of the area. He thanked everyone involved for their openness.

Charles Gray made a **motion to authorize the Mayor to enter into a land development contract for consensual annexation**. Kathy Noel seconded the motion. Lou Gerding requested that the Attachments mentioned in the contract be included as part of the contract.

Brandon Voelker stated that there are a few issues to be cleared up. This contract will provide infrastructure for the Low Gap area. The property would come in as zoned MUPD. It would allow for commercial and condo development but not apartments. Buffers would be required and no access onto Low Gap Road would be granted. The upgraded treatment plant, when completed, will be owned by the developer and maintained by SD1. Wording will be added that the developer, not the city, is the permit holder for the sewers.

Mr. Voelker explained the tax abatement. The City will abate up to \$5,000,000.00 of the assessed value. These figures are hypothetical at this time, since the project does not yet exist. The city should realize \$200,000.00 in property and payroll taxes from this completed project, and the abatement is worth about \$10,000.00 per year.

The developers responded to some questions. The developers are willing to include a clause that this site will not have a super Wal-Mart. Options for the road were then discussed. Lou Gerding requested that the fact that the internal streets will be private, should be included in the agreement.

Rob Moore called the question. As a result of these discussions, the Mayor will request design of a road that will provide service to the condos. Roll call vote showed five yeses and one no-Lou Gerding. Motion carried.

**Ordinance 06-910, approving the MUPD zoning and consensual annexation of property east of US 27/west of AA Highway and north of E. Low Gap Road consisting of 84 acres (aka Chilelli, Bray and Pickett properties)**, was read for the first time in summary form. Stuart Oehrle made a motion to accept this first reading. Motion was seconded by Charles Gray. Lou Gerding stated that the Comprehensive Plan shows hi tech and research for this area, no big box stores shall be permitted. Roll call vote showed six yeses and no noes. Motion carried.

**Ordinance 06-911, approving MUPD zone change for property currently in city limits east of US 27 and south of the AA Highway (across from Meijer)**, was read for the first time in summary form. This is currently in the city and the developer needs it to be the same as adjoining zone. Brandon Voelker reported that in a recent case, the Supreme Court opined that zoning decisions are legislative in nature and council members are permitted to attend the Planning & Zoning hearing. Mr. Oehrle was not at this particular hearing of Planning & Zoning.

Stuart Oehrle made a motion to approve this first reading. Charles Gray seconded the motion. The amended motion, approved by Mr. Oehrle and Mr. Gray, is to concur with the recommendation and bases of the Planning Commission which was to include the condition of Planning & Zoning, that the area to be re-zoned to MUPD is subject to compliance that the area proposed to be annexed also be zoned MUPD. Roll call vote showed six yeses and no noes. Motion carried.

**Ordinance 06-912, approving the consensual annexation of property east of US 27/west of AA Highway and north of E. Low Gap Road (aka E. Low Gap residents' properties),** was read for the first time in summary form. Stuart Oehrle made a motion to approve this first reading and Charles Gray seconded the motion. Roll call vote showed six yeses and no noes. Motion carried.

**Ordinance 06-913, to review a map amendment from R-3 and NSC to MUPD on the 11.5 acre parcel located just south of the Campbell County Auto Body,** was read in summary form for the first time. This property can be sold today and would allow for apartments on the site, but the owner is willing to go along with the zone change. The owner has agreed to include a clause that would allow only patio homes or owner occupied dwellings. Staff recommends disapproval, as does Planning & Zoning. Council discussion followed.

Stuart Oehrle made a **motion to approve the map amendment from R-3 and NSC to MUPD on the property south of Campbell County Auto Body.** This zone change is due to changes in housing needs and economic changes due to the additional land that has been annexed for apartments and other type dwellings being built in the city. Dave Guidugli seconded the motion.

Stuart Oehrle then amended his motion to add the condition that the text amendment to reduce the minimum required area within the MUPD zone from 35 acres to 10 acres be enacted simultaneously with this ordinance. Dave Guidugli seconded the amended motion. Roll call vote showed six yeses and no noes. Motion carried.

**Ordinance 06-914, stating that upon annexation the site located on the east side of US 27 between Ripple Creek Road and Blossom Lane be re-zoned SDA,** was read for the first time in summary form. Motion to approve this first reading was made by Lou Gerding, based on the recommendation of NKAPC. Stuart Oehrle seconded the motion.

Stuart Oehrle stated that a Development Plan has been approved by the County, but they will be required to present a plan to our Planning & Zoning if this zone change is made. Roll call vote on Ordinance 06-914 showed six yeses and no noes. Motion carried.

**Ordinance 06-915, approving a text amendment to reduce the minimum required area within the MUPD zone from 35 acres to 10 acres,** was read in summary form for the first time. Stuart Oehrle made the motion to approve this first reading. Dave Guidugli seconded the motion. Roll call vote showed five yeses and one no – Lou Gerding. Motion carried.

Dave Guidugli made a motion to accept three new street lights on Sandstone Ridge in Granite Spring. The motion was seconded by Rob Moore. Roll call vote showed six yeses and no noes. Motion carried.

Gerald Hodges, Ripple Creed Road resident, questioned if the codified ordinances on the web site are current. It was explained to him that this is done only as needed, which could take several years.

Department reports were submitted in writing. Tom Benke reported that he received information on the “discretionary bond fund”, that we have made it to the final round and information should be available in August, ahead of construction time.

Chief Ed Burk reported that the phone messages have been changed, after some difficulty. Bikes may be activated again for the neighborhoods. National Night Out will be held this year on August 1 at Friendship Park. A car has been confiscated and will be auctioned off. A grant in the amount of \$14,754.00 has been awarded to the Police Department. He stated that up to ten officers could join a local gym. He would like to see this incorporated into his proposed fitness plan. If ten officers do not participate, could other city employees participate? It was suggested that he check with NKU also. This proposal will be discussed at the next caucus meeting. The Chief then reported that he is working on the policies, one to require the officers to wear the same uniforms.

Plans for “emergency succession order” in the event of a disaster, should be in place. **Executive Order 06-01 was read, making Chief Ed Burk second in charge of city operations, signing of disaster declarations during states of emergency should the Mayor not be available.** Dave Guidugli made a motion to adopt. Kathy Noel seconded the motion. Roll call vote showed six yeses and no noes. Motion carried.

Rob Moore questioned the existence of a Founders Court sign.

Stuart Oehrle reported that the groundbreaking for the new school was held today and should be complete in 13 months. He also attended the Bank of Kentucky arena meeting at NKU. They presented the final plans and completion is scheduled for June, 2008. There will also be a parking garage and meeting rooms, internet ready. Ice hockey, arena football and soccer may be available here also.

**Motion was made by Charles Gray to go into executive session per KRS 61.810, C., Litigation.** Rob Moore seconded the motion. All were in favor. Motion carried.

Motion to return to regular session was made by Rob Moore. Motion was seconded by Charles Gray. All were in favor. Motion carried. No action was taken during executive session.

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

**Approved:**

**City Clerk:**

**Mayor:**