

Cold Spring City Council September 25, 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 – Lou Gerding, Charles Gray, 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, Mayor Stoeber requested an addition of Item 10 C., stop signs and crosswalks at the intersection of Granite Spring Drive and Founders Court. Brandon Voelker requested an addition under Item 9, C 1. authorizing the mayor to enter into an annexation agreement with SRM Investments LLC.

Mayor Stoeber then discussed Items of Interest to the Community. The city recently held a contest with the Cline Elementary and St. Joseph Schools to name the park in our new Granite Spring subdivision. The property, shelter and equipment were donated to the city by Fischer Home Development. This contest is similar to the contests held in the past with naming Crossroads Boulevard, and also Patriot Park in the Glenridge subdivision. The city received over one hundred entries from both school. Mayor Stoeber announced the new name of the park in Granite Spring as Sunshine Park. There was a tie for first place, and Mayor Stoeber introduced the first place winners as Allison Corry of St. Joseph School and Allison Weyman of Cline Elementary School. Both were presented with a \$500 savings bond each. The third place award of a \$100 savings bond went to Danielle Orick of Cline Elementary.

Mayor Stoeber announced that the Cold Spring Day in the Park would be held on October 1 at our Municipal Park between noon and 4 pm. A drawing for a raffle for a donated mini-cornhole game would be award on that day also. Proceeds are put in the fund for our Operation Hug program. There are plenty of activities and he urges everyone to attend for a great time. The city could always use volunteers and he asks anyone who can do so to come and help out.

Mayor Stoeber stated that 100% of our adopted unit, whose names are listed on our dais, have returned from Iraq, safe and sound. We are very grateful for their safe return.

Mayor Stoeber reported that the street construction is going very well and seems to be ahead of schedule, in spite of the rain. JPS is doing an excellent job replacing the streets, curbs and gutters. Several streets have been completed and about one and a half streets are left. The resurfacing of Glenridge Drive and Ridgepointe Drive was completed in two days. Stuart Oehrle thanked Rita Seger for making sure that Rumpke made an early waste pickup before resurfacing began on Friday.

Mayor Stoeber stated that through wonderful cooperation of E. Low Gap properties owners and property owners just north of them, the city was able to complete a consensual annexation of all of that property. We are aggressively rounding out the borders and making the city more contiguous. He thanks the E. Low Gap Road property owners for their hard work and diligence in helping the city get this done.

A flag will be given away at the end of this meeting for any Cold Spring resident who stays for the entire meeting.

The minutes of the August 28th regular council meeting were reviewed by all. Motion to approve these minutes was made by Stuart Oehrle and seconded by Lou Gerding. All were in favor. Motion carried.

The minutes of the September 11th special council meeting were reviewed by all. Motion to approve these minutes was made by Stuart Oehrle and seconded by Lou Gerding. All were in favor. Motion carried.

Trick or Treat days and times were then discussed. Stuart Oehrle stated that he received many requests from residents who requested a starting time of 6:00 pm instead of 5:30 pm to give working moms and dads time to return home from work and get ready for the event. Stuart Oehrle made a motion for the City of Cold Spring to hold Trick or Treat on Tuesday, October 31st from 6:00 pm to 7:30 pm. Dave Guidugli seconded the motion. Roll call showed five in favor, one abstaining – Lou Gerding. Mayor Stoeber stated that the abstention goes with the majority. Motion carried.

Ordinance 06-918 updating the existing storage container (pods) ordinance was read in summary form for the second time. Stuart Oehrle made a motion to adopt this ordinance. Dave Guidugli seconded the motion. Dave Guidugli questioned Brandon Voelker on the wording in the lower portion which refers to front yard, side yard or driveways. He asked if the upper portion should also include all of this wording instead of just “driveways” for consistency. Lou Gerding questioned

whether this should also include the wording of “rear yard”, especially in flag lots where this could be an issue. Mark Stoeber replied that the purpose of this ordinance was to allow only temporary placement of PODS anywhere on a property. Permanent placements such as sheds etc. would go through NKAPC for permits for auxiliary use.

Brandon Voelker replied that perhaps just by using the wording “any premises” will be sufficient. Stuart Oehrle **modified his motion to adopt ordinance 06-918 to insert the wording “any premises”**. Dave Guidugli seconded the motion. Roll call vote showed all were in favor. Motion carried.

Brandon Voelker handed out copies of annexation development agreements with RLM Properties LLC on property located at the south corner of Ripple Creek and US 27 to council. The property owners are in agreement with everything that we have in the city. The proposed SDA zoning would allow for more commercial use. At Ripple Creek there would just be commercial on the one end with a way in and way out just for the commercial area. The rest of the area will be office buildings. They are agreeable to a more restrictive SDA zone.

Mayor Stoeber stated that the placement of the retail area is completely away from existing residences and is buffered by the professional office buildings. The commercial area will not have any impact on the Ripple Creek residents.

Stuart Oehrle made a **motion to authorize the mayor to sign a consensual annexation agreement with RLM Properties LLC**. Rob Moore seconded the motion. Roll call vote showed all in favor. Motion carried.

Ordinance 06-914 consensual annexation and zone change to SDA of property located at the south corner of Ripple Creek and US 27 was read in summary form for the second time. Stuart Oehrle made a motion to adopt this ordinance. Rob Moore second the motion. Brandon Voelker commented that this zoning is what the city’s planning and zoning commission recommended. All were in favor. Motion carried. Mayor Stoeber said this concludes a year and a half of positive and fruitful discussions with the developer that continues to allow us to round out the boundaries of the city.

Mayor Stoeber questioned Brandon Voelker on another piece of property owned by this developer across from the First Baptist Church. Brandon Voelker replied that this area is in the city and that this is just a development issue.

Mayor Stoeber moved to a discussion on the follow up by NKAPC on their response to issues presented to council by residents of the city, and confirmed that all council members received a copy of actions taken from Mr. Dennis Gordon of NKAPC. One of the common issues was in the area of communication regarding small self-contained residential projects like decks, pools or sheds, and a possible breakdown of communication on the requirements. NKAPC has agreed and formulated a checklist of requirements and also a printout of questions frequently asked which they will give to anyone applying for a building permit. Additionally NKAPC is putting together a rapid response procedure. If a resident has to come back to NKAPC more than twice, it is apparent that communication has somehow broken down and they will take on a very “hands on” approach to help the resident move on with the project.

Lou Gerding then addressed council and summarized the September P & Z meeting which he attended. The PNC Bank had requested relocation of their sign from the south side of their building to the east side of the building, which P & Z has permitted. Mr. Gerding stated that P & Z also went into discussion about architectural control of buildings along US 27 and how it could be done and what they would have to do as a planning body. This is still in the discussion process. He stated that Jerry Cavanaugh of Longhorn Steakhouse was present as an observer and he questioned how to get a restaurant sign along the AA Highway, which P & Z member Joe Feinauer, formerly of the State Highway Department was able to advise him on.

Brandon Voelker addressed council regarding a tentative authorization allowing the mayor to enter into a development agreement for consensual development of property east of US 27 across from the First Baptist Church. Brandon Voelker said there are some issues on the land in the rear of the property which is zoned R3, but recent actions and annexations may require a different zoning. The developer’s concern is that they would like to go ahead with authorization for the front area of this development so they can at least move forward with the six lots in this front end, while the attorneys work out the issues and details in the rear area and on how they can restrict that land. Stuart Oehrle wanted to clarify that this front area will stay NSC zoning, per P & Z recommendation. Brandon Voelker replied that council had looked at MUPD zoning, but found that wasn’t necessary since residential is no longer in the picture.

Stuart Oehrle made a **motion to authorize the mayor to enter into a development agreement with the developer for consensual development of property east of US 27 across from First Baptist Church, that this front area remains NSC zoning, and with the understanding that the rear portion issues will be worked out with the attorney and this rear**

area will not be developed, and that this rear portion issue will be brought before council again. Dave Guidugli seconded the motion. Roll call vote showed five yeses and one no – Lou Gerding. Motion carried.

Mayor Stoeber reported on the result of the Safety Committee meeting and thanked councilmen Stuart Oehre, Lou Gerding and Police Chief Ed Burk for researching the intersection of Granite Spring Drive and Founders Court. They are proposing before council to place two additional stop signs at the intersection of Founders and Granite Spring. These would both be at the ingress and egress sides of Granite Springs flanking the Founders Court side. We will now have a three way stop and in additional will connect all of those sidewalk systems with a sidewalk that would go across Founders Court and then from the west side of Founders towards the south side of Granite Spring with the crosswalk to go across that area. People will now have a contiguous sidewalk system from the far back of Founders all of the way to US 27 and also a sidewalk system back to the park. Thanks to Dave Piccirillo for taking a look at it and to Fischer for completing that section of sidewalk that connects Founders to Granite Spring. Thanks to Dave Guidugli for having the depth of the sidewalk in that area increased to 8” to allow for trucks to cross over it for the Duke Energy easement.

Stuart Oehrle made a **motion to approve the placement of the stop signs and sidewalks.** Kathy Noel seconded the motion. Roll call vote showed six yeses and no noes. Motion carried.

Sam (Ruth) Smith addressed council. She is on the Election Board for Campbell County. She said that the absentee voting machines at the courthouse in Newport have been opened for anyone who is unable to vote on election day, November 7th. They are available during working hours during the week and are handicap accessible.

Kathy Noel inquired about the effects of the recent heavy rains on Darlas Drive residents. Councilman Dave Guidugli replied that they did get some overwash of water on that street, but the pipes along Darlas did not get clogged up. It was just too much water for them to handle. Mayor Stoeber thanked Public Works Director Dave Piccirillo, who had checked the pipes in the early morning hours and made sure they were clear of debris. Stuart Oehrle verified that Granite Spring drainage was okay and there was no problems there from the heavy rains.

Charles Gray reported that this was the fifth Yard of the Month that would be recognized tonight. The Parks Recreation and Tree Commission has done a wonderful job with this idea and it has had a positive response with the residents. Mr. Gray named each of the Board members and commended them for their service to the community. This is done by nomination so if anyone is interested they can complete a nomination form at the city building. This month, the award goes to Terry and Jean Lawhon on 10 Villagegreen Drive. Congratulations to them for their beautiful yard!

Stuart Oehrle suggested that the city should consider becoming a passport processing facility. Campbell County does not currently have such a facility and it would be a great service for our residents. Kathy Noel reported that travel requirements have changed, and more and more people do need passports. This is something that would be very beneficial for the city to take a look at doing. Kathy Noel said that four cities in Kenton County have passport processing facilities. This will be discussed at the next caucus meeting.

Stuart Oehrle reported on the Cold Spring website. The provider company, with no notice, ceased operation and we have completely lost the web page. Mr. Oehrle will rebuild our website using a back up copy from a year ago. Tom Benke will attempt to contact this provider to see if they may still have some hardware that we can get a backup of our original web page. The main page has been restored, with a notice to the citizens that we are in the process of re-building this site.

Mayor Stoeber thanked Stuart Oehrle for all of the time and effort he has put into the web site. His work has saved the city thousands of dollars and he now has the opportunity of working with a blank slate.

May Stoeber recently spoke to the city’s engineers to talk about a variety of items, including the Darlas Drive Bridge. The engineers stated that the design of the bridge with the culvert piping is inadequate. They are seeing signs of wear and tear and degradation on the road. We need to go back to the original culvert box design, 4 feet high and 8 feet wide or more to allow the water to go straight thru. This process will be discussed at Caucus. Sanitation District #1 may fund these projects as long as the city signs an agreement to refund Sanitation District #1 should the lawsuit not go forward. Sanitation District may consider this repayment over a twenty year period.

The attendance award for an American flag and pole was awarded to Allison Corry and her parents.

Kathy Noel then made a **motion to go into Executive Session per KRS 61.810, C., to discuss litigation.** Motion was seconded by Stuart Oehrle. All were in favor. Motion carried.

A **motion was made by Stuart Oehrle to return to regular session.** Charles Gray seconded the motion. All were in favor. Motion carried. No action was taken in executive session.

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

Approved:

City Clerk:

Mayor: