

**Cold Spring City Council
October 22, 2007**

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

Mayor Stoeber pointed out the exits as required by Fire Department regulations.

Cindy Wehry of the Parks Recreation and Tree Commission, presented the Yard of the Month award, which goes to Paul and Cathy Twehues, of 11 Locust Point. Cindy Wehry stated that this is the last award for this year, and they selected a yard with a beautiful home with a wonderful fall scene. Mrs. Twehues received a plaque from the city and a gift donation from the Cold Spring Home Depot Store. A Yard of the Month sign has been placed in their yard. Congratulations to Mr. & Mrs. Twehues.

Mayor Stoeber introduced our new police officer, David Andrew Hyett, who is very experienced and has high credentials. Andy Hyett introduced his family who were present. Mayor Stoeber issued the Oath of Office to Officer Hyett and offered his congratulations. Lieutenant Wayne Hall presented Officer Hyett with his badge. He stated that Andy Hyett is an asset to the city, to the community, and to the department.

The city's Day in the Park was a great success, with 738 children along with their families attending. Thanks to the Parks Recreation and Tree Commission along with the volunteers who put in a tremendous amount of time.

The city will have a Veteran's Day Ceremony in Cold Spring on Sunday, November 11th at 1 o'clock. Last year we had a dedication of the city's memorial and this year will be the first Veterans' Day Ceremony. The Disabled American Veterans and the Newport Elks will also be participating.

Campbell County will have their Fall Cleanup Program on October 26th, 27th, and 28th, from 8 am to 6 pm. All items can be dropped off at the Campbell County Police Station, Pendery Park, or the Campbell County Transportation Center. For additional information, call the city clerk's office.

Halloween will be held on Wednesday, October 31st, from 6:00 pm to 7:30 pm. Please watch out for our children and be extra careful.

A flag and pole will be drawn at the end of the meeting for any Cold Spring resident who stays for the entire meeting.

Minutes of the September 24th regular council meeting were reviewed by all. Stuart Oehrle motioned for approval with one spelling correction, and Charles Gray seconded the motion. All were in favor. Motion carried.

Cassie Ruhlman, who works for Congressman Geoff Davis, addressed Council. She passed out federal grant information booklets. She stated that they would love to do letter of recommendation for us on any grants we write, to show that they are on our side. They have case workers in their main office in Ft. Mitchell that handle any federal issue, whether it be for social security, Medicaid, or veterans, and they can do case work and help us if necessary.

Sandy Ross of 210 Thornbush Court was present and addressed council. She has noticed people waiting at bus stops along US 27 in our city, in the dark, and they were very difficult to see. Sandy Ross stated that there are 17 bus stops along US 27 in Cold Spring, and only two enclosed shelters. This is a safety issue, and with our development, we will have people using the buses more. She requested that the city ask TANK if they could look into this matter and erect more bus shelters in our area. Mayor Stoeber thanked Ms. Ross for bringing this information to our attention. A letter will be sent to TANK asking them to take a look at this. Stuart Oehrle mentioned that they track how many people get on at certain stops to see if it warrants shelters. Many of the erected shelters are from grant money.

Ordinance 07-934, text amendment to the Cold Spring zoning ordinance requiring roofs within the SDA zone to be built to a minimum pitch of 3:12, was read in summary form for the second time. Stuart Oehrle made a **motion to adopt** this ordinance and Rob Moore seconded the motion. All were in favor. **Motion carried.**

Ordinance 07-935, text amendment to the Cold Spring zoning ordinance modifying the off-street parking requirements, was read in summary form for the first time. Brandon Voelker stated that a change was made to state that it

shall be at the discretion of the city's zoning administrator. By allowing our zoning administrator, NKAPC, to do this, it sets up a natural appellate process, so that, by statute, they can appeal this to our Board of Adjustments. Mayor Stoeber verified that as it was written before this change, the only appeal process would be a court. Brandon Voelker stated that courts will look for the right of appeal within, which should be in this body. This puts that mechanism in place. Stuart Oehrle made a **motion for approval**, and Lou Gerding seconded the motion. Dave Guidugli verified that this will only affect the certain types of businesses. He stated that NKAPC had stated that they would be looking at revising the number of parking spaces needed for commercial spots, and questioned if this would affect that. Brandon Voelker stated this ordinance would be professional office, with uses that do not fluctuate with seasons, holidays, sales, etc. This allows the flexibility of not having to add more parking spaces than is really needed, and will help protect the environment. NKAPC is doing a universal review that would apply to all cities that they represent. All were in favor. **Motion carried.**

Mayor Stoeber stated that there is a development in the city which cannot move forward with their plans until this is adopted. Because of time restraints a special meeting was set for Wednesday, October 24 at 6:00 pm for the second reading.

Ordinance 07-936, amending city animal control ordinance #90-20 was read in summary form for the first time. Brandon Voelker stated that the city has never designated a person as our animal control officer. This ordinance will define the animal control officer position, with the condition that the city appoint Terry Baker as that person. Past discussion was to make this a civil offense that would go to our Code Enforcement Board. Originally, animals were not included as a civil offenses and Brandon Voelker recommends that we do so now. As it is written, Section A and D of this ordinance reflects that it will be a civil offense. Section B, which relates to cruelty to animals, and Section C refers to the dyeing or selling of dyed animals are not included as civil offenses because both of these are covered by Kentucky Revised Statutes, which the court system will deal with. Lou Gerding made a **motion for approval** and Stuart Oehrle seconded the motion. All were in favor. **Motion carried.**

Mayor Stoeber again welcomed our new police officer, Dennis Andrew Hyett.

Mayor Stoeber reported that public works has been working very hard sealing streets, first with the concrete streets, and then the asphalt streets. Kathy Noel verified that the new sealer was working well.

Lou Gerding acted as liaison at the October Planning and Zoning meeting. He reported that they did recommend approval for the text amendment for off-street parking, which Council just approved this evening. P & Z approved the Stage I Development Plan and variances on the Griffin Industries property, for a new addition behind the existing building, subject to some compliance conditions. The Planning and Zoning Commission had a public hearing on an approximate 11 acre area located along the east side of Alexandria Pike approximate 600 feet south of Ripple Creek/Alexandria, and the Planning & Zoning Commission disapproved the Stage II Development Plan but did not give legal bases on why they disapproved it.

Mayor Stoeber thanked Cindy Wehry and the Parks Recreation and Tree Commission for all of their hard work.

Dave Guidugli suggested that our Code Enforcement Officer attend the NKAPC Fall Meeting. Mayor Stoeber said that Dick Weber will be consulted on this. He stated that Walter Blair will work thru October. Dick Weber will continue with Walter Blair's routine, and he will come before the council periodically for reports.

Lou Gerding verified that it is council's responsibility to lift bonds and questioned why P & Z was discussing this at their meeting. Brandon Voelker stated that P & Z was trying to determine if Plaza Drive was a public or private street and what action they would want staff to take. If it is a private street, it is a P & Z issue, but if it is a public street it is a City issue. Brandon Voelker stated that the contractor thought it was a private street and they put in the top coat, not realizing that the City requires inspections on private streets on the chance that, in the future City might take it over. The discussion is what we can do to protect us and make sure that street is built properly. Kathy Noel said they were asked to research it at the September P & Z. Brandon Voelker stated that Mike Schwartz of NKAPC said it is a public street, but when he spoke to Scott Hiles of NKAPC, he said it was a private street. Lou Gerding said if it has never been inspected we would never take the street over. If the developer posted a bond, and if it doesn't pass the inspection, the bond will not be released. Brandon Voelker replied that we would have to ascertain that the topcoat be inspected. Once Scott Hiles, as our agent who inspects the streets, signs off on them, the bonds are released.

Mayor Stoeber wished everyone a wonderful and safe Halloween on October 31st.

There was no one present from the city to be awarded the flag and pole. Mayor Stoeber awarded it to Officer Hyett's son, Nicholas.

Lou Gerding made a motion to enter into Executive Session, per K.R.S. 61.810 C – Litigation. Charles Gray seconded the motion. All were in favor. Motion carried.

Motion to come out of Executive Session was made by Kathy Noel, and seconded by Dave Guidugli. All were in favor. Motion carried. No action was taken in Executive Session.

As a result of the Executive Session discussion, a motion to authorize the mayor to sign a settlement / annexation agreement of Ronald and Joyce Poweleit was made by Stuart Oehrle, and seconded by Dave Guidugli. All were in favor. Motion carried.

A motion to adjourn was made by Rob Moore and seconded by Kathy Noel. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: