

## Cold Spring City Council August 25, 2008

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 and Kathy Noel – excused was Stuart Oehrle. Also present were Ed Burk, Rita Seger, and Brandon Voelker.

Mayor Stoeber pointed out exits from Council Chambers, per Fire Department Regulations.

Mayor Stoeber requested an addition to the agenda under 10.E – update for police policies and procedures.

Cindy Wehry of the Parks Recreation and Tree Commission introduced Jack Ashcraft, caretaker for the property of James Gannon, of 676 Silver Ledge, who is the August recipient of yard of the month. He received a framed, matted photograph of the home and yard, and received a \$25.00 gift certificate from Meijers Cold Spring. The yard of the month program continues through October, and Cindy Wehry invited everyone to send in their nominations.

Police Chief Ed Burk stated that National Night Out, which was sponsored by the Cold Spring Police Department and the Central Campbell Fire District, was a big success. The event featured various demonstrations by the Police and Fire Department. There was free food, drinks, and lots of prizes awarded. Thanks to all who made donations and to all of the volunteers. Also thanks to the Cold Spring residents who participated.

Chief Burk reported that the Cold Spring Police Department and the Central Campbell Fire District will hold its' annual Fishing Derby on Saturday August 30<sup>th</sup>, with registration from 7 to 10:30 am, and fishing from 7 am to noon. This event is for children ages six through twelve, who must be accompanied by an adult. Lots of prizes will be handed out to those still present at the end of the Fishing Derby.

Mayor Stoeber reported that the Cruise In / Concert was spectacular, with a record crowd attending. There were over 260 cars entered in the Cruise In, and a large participation for the concert featuring the Hot Wax Show Band. The mother of Traci Alger, a soldier in our adopted unit who was killed in Iraq approximately a year ago, attended the Cruise In / Concert. A memorial tree and plaque was placed at the Municipal Park to honor Traci Alger, and her mother was most appreciative. Thanks to the Police Department for keeping this a safe event, and special thanks to our sponsors, Heritage Bank, Griffin Industries, and the Newport Elks Lodge. Thanks also go to Nancy Bay who is the coordinator for this event, and the Parks, Recreation and Tree Commission. We appreciate all of their hard work. Thanks also to our residents who were very respectful of city property.

Mayor Stoeber announced that our Finance Director, Tom Benke, will be retiring on September 30<sup>th</sup>. Thanks to Tom for his twenty-five years of service to our City. He has served the city well and seen a lot over the years, and he will certainly be missed. We will acknowledge Tom Benke's retirement at our September Council meeting.

There will be a drawing for an American flag and pole for any resident remaining at the end of this meeting.

The minutes of the July 28<sup>th</sup> meeting were reviewed by all. Dave Guidugli made a motion to approve these minutes and Kathy Noel seconded the motion. All were in favor. Motion carried.

There were no scheduled guests. Mayor Stoeber stated that the agenda includes a zone change hearing. If any unscheduled guest is here to discuss this issue, they cannot do so. K.R.S. has very strict rules governing this issue, and council cannot take any public comments or input unless they call for a public hearing, which must be scheduled and advertised.

Sandy Ross of 210 Thornbush Court, was present. She thanked the mayor and council for the bus shelters which she sees are now in place at Crossroads Boulevard and Downing Street. She has seen residents using these already and she appreciates the city for making this happen.

Mayor Stoeber stated that this is a sad time and a happy time for the city. January 1<sup>st</sup> will see three of our current council members leaving us: Charles Gray, Dave Guidugli, and Kathy Noel. Three new members who have filed to be on the November ballot are Brenda Helton, Janis Reiman, and Sandy Ross, all of whom are present tonight. Mayor Stoeber welcomes them and looks forward to the new visions that they will bring to our community.

**Municipal Order #08-07** was read, **re-appointing Joyce Kinnett to the Parks Recreation and Tree Commission, term to expire July 19, 2012.** Rob Moore made a motion for approval and Lou Gerding seconded the motion. All were in favor. **Motion carried.**

**Municipal Order #08-08** was read, **re-appointing Peter Hyde to the Code Enforcement Board, term to expire August 24, 2012.** Lou Gerding made a motion for approval and Dave Guidugli seconded the motion. All were in favor. **Motion carried.**

**Ordinance #08-949, was read in summary form for the first time, for a zone change from “NC” to “R-1DD” on 6.7 acres at US 27 / AA Highway (Morris Property).** Mayor Stoeber stated that this property abuts the Sturbridge development. Council has received copies of the Planning and Zoning public hearing minutes and NKAPC staff report on action taken. Brandon Voelker and Andy Videkovitch of NKAPC were present to answer any questions. Mayor Stoeber reviewed the options that may be taken by Council tonight on this zone change. They can either pass this ordinance, pass this ordinance with conditions, deny the zone change, or not act on the zone change. Another option is that council can call for another public hearing for their own input, but we would have to follow K.R.S. guidelines on notification of public hearings.

Rob Moore made a motion to approve this ordinance, and Charles Gray seconded the motion. Discussion followed.

Lou Gerding asked if the ~~Planning and Zoning~~ motion on the floor included the three conditions as listed by Staff. He questioned if the Plaza Drive would be a public street, if the sidewalks of Plaza Drive would be on the north side only, and if the right-of-way would be forty feet in width. Brandon Voelker stated that he drafted the ordinance based on those three conditions. Lou Gerding requested time to review the site development plan which he was given.

Dave Guidugli verified with Brandon Voelker that this area tonight covers the 6.7 acre area and does not cover the small “pie” shaped area which remains R-1DD.

Kathy Noel verified with Brandon Voelker that the only other open area is behind Sherwin Williams and is zoned NC and there is the detention basin area on the other side of Plaza Drive.

Lou Gerding stated that NKAPC referred to the triangle area that may have a medical building on it sometime in the future. Andy Videkovitch stated that is the leftover triangle “pie” shaped area. It is not part of the zone change.

Dave Guidugli verified with Andy Videkovitch that the setbacks on the parcel being reviewed tonight would not affect the triangular shaped area. Mr. Videkovitch stated that they would have to come through with a separate development plan for that parcel and meet all of the setbacks.

Lou Gerding stated that right now Plaza Drive has sidewalks on both sides, but the developer just wants them on the north side. He questioned why we are differentiating from normal procedure to have sidewalks on both sides.

Brandon Voelker stated that, due to discussions at the Planning and Zoning meeting and concern about being granted the waivers and the variance, the developer expressed an intention to change their request and make this a private drive. Further discussions from the Planning and Zoning Chairman stated the city would prefer the streets to be in a public setting. In order to ensure that they would not seek to make this a private drive, he made the motion that included those conditions in order to alleviate it so that they would not seek to make this a private drive. He stated that they were also concerned about the safety issue of having a sidewalk literally next to the AA Highway and right of way.

Lou Gerding stated that, in looking at the site plan, the street would have a 40 ft. right of way and the road pavement would be 24 feet. There is room to have sidewalks on both sides of the street. In this case, the sidewalk would dead end where the development stops, approximately 500 ft. from the entrance going into the AA Highway.

Mayor Stoeber replied that the south side is just a right of way, a detention pond, and the AA Highway. There is nothing developable along the other side. They would rather keep people on the north side so they wouldn't be walking right along the right of way of the AA Highway.

Dave Guidugli questioned the minimum width of sidewalks. Andy Videkovitch said that this is stipulated in the subdivision regulations which he did not have, but believes it is 36 to 48 inches. Dave Guidugli questioned that, with the nursing home there, would the width allow for someone going back and forth with a wheelchair, especially if it is only going in on one side.

Andy Videkovitch stated that the Planning & Zoning Commission did not make a recommendation or stipulation on this, but the normal requirements of the subdivision regulations would apply.

Lou Gerding verified that the developer would build that street, and questioned if it would be built at this time. Brandon Voelker said there was an issue on that remaining triangle, which has a deed restriction on it. The developer wants to buy both properties and then build the roadway. That was another issue for keeping the road public.

Lou Gerding verified with Brandon Voelker that the triangle was approximately 3.6 acres and questioned how this could be developed as a medical building when our present regulations require five acres for a zone change. Brandon Voelker stated that a medical facility only (no other offices), is allowed in a residential zone as part of a conditional use.

A roll call vote showed five (5) yeses and one (1) no – Lou Gerding. **Motion carried.**

Mayor Stoeber stated that we will have a second reading of this ordinance at a special meeting before the caucus meeting in September, given that there was little discussion and all of the issues were handled through Planning and Zoning it would allow the developer to start in advance of this building season.

Next on the agenda was a **declaration of police and public works department surplus property**. Lou Gerding made a motion for approval and Dave Guidugli seconded the motion. All were in favor. **Motion carried.** Mayor Stoeber stated that two vehicles are also being surplussed, a 2002 Crown Victoria with 80,648 miles and a 2003 Crown Victoria with 100,900 miles. These vehicles are added to the police department surplus property list, and are included in this declaration. Since the vehicles have a number of miles on them, council has approved us offering them for use by another municipality. Ed Burk stated that the light bar and screens will stay with them because the city cannot use them. There are some items that can be taken out and the city can re-use. Rob Moore verified that there is additional equipment on the surplus list that can also be donated.

Mayor Stoeber stated that the next item which was added to the agenda is the Safety Committee police policy review and update. Chief Ed Burk gave a review and stated that they are required to review their policies yearly and update or change policies when necessary in order to maintain their accreditation standards. In the past he has made a number of policies changes that were too broad and were changed to make them more concise and more defined. The ones that need to be changed or added will make it possible for the police to maintain their accreditation, which is due in January.

Lou Gerding stated that the Safety Committee has reviewed and discussed the policies and they ask to have a first reading tonight. They can then go back in and have further discussions and have a second reading next month. They did not have enough time to get this together for council tonight. Lou Gerding made a motion to **approve a first reading of Police Department Policy revisions and updates, subject to recommendations of the Safety Committee**. Rob Moore seconded the motion. All were in favor. **Motion carried.**

Tom Benke thanked the mayor for his kind words regarding his retirement from the city. He stated that the compensating tax rate and waste will be determined at the finance meeting next month.

Dave Guidugli questioned the remodel of our building at 5589 E. Alexandria Pike. Ed Burk stated they are working on the construction and hope to have it completed in three to four weeks. This includes work to be done on the roof, HVAC and windows.

Dave Guidugli questioned where we stand on reconstruction of Bluestone Court. Mayor Stoeber stated that we have the geotechnical reports, and we are coordinating with the homeowners association to fix their pads and redo the water drainage. We are moving forward and are looking at a spring re-build because we want to do core borings.

Dave Guidugli expressed his thanks for the lane dividers that were put in at the Cold Spring Library to keep people from turning left at French Street. Mayor Stoeber stated that this was through the initiatives of the Safety Committee and the public works department.

Lou Gerding stated that he has received paperwork on the requirements of the public records management laws and verified that the city clerk, Rita Seger was official custodian of the records and she does have a current and accurate records retention schedule approved by the state.

Mayor Stoeber offered a special thanks to Cindy Wehry for Yard of the Month and also to the Park Board for the tremendous work they do. Their next event is Day in the Park on October 5<sup>th</sup>.

Lou Gerding requested that our Code Enforcement Officer check on advertising signs which are posted on the new bus shelters.

It was decided that the American flag and pole be awarded to James Gannon of 676 Silver Ledge, who was the recipient of Yard of the Month award for August.

Lou Gerding made a motion to adjourn and Charles Gray seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**