

## Cold Spring City Council Special Meeting May 3, 2016

The special meeting of the Cold Spring City Council was called to order by Mayor Angelo Penque. Roll call showed the following council members present – Chris Ampfer, Lisa Cavanaugh, Brenda Helton, Roger Jones and Adam Sandfoss – excused was Lou Gerding. Also present were Police Chief Brian Messer, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker. Guest members present were Rob Keller and Katie Dillenburger from Bay Becker Engineering. This special council meeting was call for the purpose of **Matinee Boulevard discussions**.

Attorney Brandon Voelker stated that he, Mayor Penque, and Steve Taylor met with Rob Keller on Matinee Boulevard. Katie Dillenburger of Bayer Becker has been doing the traffic side of the study. They are here tonight to present their recommendations to Council on two Options, and for Council decision. As a preliminary matter there was much discussion on the Sullender house. Their recommendation which is listed in both options is that the city takes down the Sullender house. The developer of the area is willing to contribute to the project by doing the demolition and saving the city approximately \$65,000. Rob Keller stated that the McCarthy house is currently rented but if we don't go with the option of having the Sullender property taken down, it would cost the renters and the developers money. The developer doesn't know if they are going to build within one year or five years, but the road will have to be built and the land developed and that is a lot of money.

Steve Taylor said that the State won't approve the funding of the light unless we do some improvements on East Alexandria Pike. If the city says we are not going to do anything on East Alexandria Pike, with that scenario that \$125,000 that the State is throwing into the kitty goes away. In order to keep that money we have to do some type of improvement on East Alexandria Pike, and we have two options on what those improvements could be. Brandon Voelker explained that the state would approve either of the two options being offered tonight. Katie Dillenburger, traffic engineer with Bayer Becker, stated that the levels of service are similar with either option, but there are some safety concerns with one versus the other. She explained the differences in the two options, and that Option 1 is more ideal with the widening and new pavement, and you would be setting up the various directional lanes at that intersection. There will be no changes along US27.

Discussions followed on various lane options on East Alexandria Pike to alleviate some of the current issues with the traffic queue along East Alexandria Pike, including the drive into the parking lot at Darling Ingredients. Katie stated that Option 1 would help alleviate the right turn situation because you are providing more storage (turn lanes). This is the predominant movement.

Rob Keller stated that when Katie Dillenburger met with the Ky. Transportation Cabinet, she did the study analysis on improvements on East Alexandria and there is a method that you can do that meets the bare bones minimum which KYTC would permit, but there are some issues. There are some site distances or blind spots that are created if you go Option 2 versus Option 1. Option 1 is their recommended option. Katie Dillenburger gave the differences within the two options, and she reviewed the various options of turn lanes, straight thrus, right turns, and possible problems with site distances. Mayor Penque stated that Option 2 doesn't really assist anyone on this side of East Alexandria Pike and it will back up traffic more than Option 1.

Steve Taylor reiterated that the State will approve either option, however if you choose Option 2, the only citizens that you are doing anything for are the Granite Spring residents. If you do Option 1, you are also doing something for the neighborhoods off of East Alexandria Pike and Dodsworth Lane. Adam Sandfoss questioned if there was grant money available for transportation improvements from the State and if there was any way to make sure that we get the money from the state before we actually start the project. Steve Taylor replied that there is not much out there in grants at all. The State has severely limited KDOT's money this year. Robert Hans of the Transportation Cabinet has told him that as soon as we let him know which Option the city would take, he would reserve the funds for the signalization. Mr. Hans has committed to us on this. We will get the funding.

Rob Keller stated that when this council decides on which option they choose, then Ms. Dillenburger can make her full submittal to get the permit. Brandon Voelker stated that tonight we are looking to authorize the mayor to go out to bid with either Option 1 or Option 2. These are just estimates. It is possible they will be higher, but they could also be lower. Rob Keller stated that it is a four month project, and he has talked to several contractors and a lot of them are busy right now, but they talked about needing work from July to October. We could go to bid sometime in June.

Adam Sandfoss questioned various other possible alternatives to avoid traffic backups and congestion. Lisa Cavanaugh questioned if the traffic lights could be timed for periods during busy traffic hours. Rob Keller stated that the state will not let us impact the traffic on US27. We can't change that, but the lanes being provided will help the queues to allow more traffic to get through the intersection. Katie Dillenburger stated that she counted the traffic movements in the area, especially before schools starts, but she can take another look at it if council feels the numbers are too low.

Council continued discussion on which way traffic would come out of Granite Spring with 50 percent coming out at the light at Buning and 50 percent at East Alexandria. Adam Sandfoss stated that once this road construction is done and Matinee Boulevard is closed off in four months is there any way that the State can change the timing of the light. Mayor Penque stated that he had a conversation with Mr. Hans from the state and once we have this work done, he can readjust the traffic lights at Buning Lane.

Steve Taylor summarized tonight's objective as follows: 1.) We instructed Rob Keller to take this to bid and we wanted to inform council before they saw this bid request in the newspaper. 2.) By going to bid we might actually beat the numbers that are sitting in front of us today. When the contractors actually come back and submit we may actually be lower than the estimates 3.) The objective is to make sure that council is okay with the \$60,000 difference between those two options. Whether you approve Option 1 or 2, the Sullender property is coming down and the developer, GSL has committed \$60,000 to doing the demolition which is totally out of their pocket. The city is not contributing any money for the demolition. Brenda Helton verified that this was the property that would have required that the city build a wall. Steve Taylor stated by doing this we are eliminating any cost of erecting a wall altogether. We have budgeted \$180,000 for road improvements next year. Part of this money will come out of that \$180,000. The rest of this is the surplus from our general fund and the surplus from the MARF fund this year that is being carried forward. Our surplus in the general fund is about \$500,000 for the FY 15/16 and between the MARF surplus and this surplus we have enough money to pay for this.

Brandon Voelker stated that as you look at it, you are ready for the development. Steve Taylor stated that they also looked at the option of doing this in two phases but that would actually cost us another \$40,000 over the budgeted amount. At Adam Sandfoss' question on time frame, Steve Taylor stated that we would like to have this done by November. We are losing the construction season. We went out for bids on roads for Cold Spring and were told by a contractor that he is booked through August already. If we are going to make this construction season we need to get this before a contractor now. Brandon Voelker stated that the developer has already been able to get these lots sold, so we are talking about new houses being built that are costing a lot of money which are going to generate a lot of tax money for the city. Rob Keller stated that as soon as we know what option we are bidding on and get a bid he will be able to provide the actual hard numbers.

Steve Taylor stated that if you choose Option 2 you will not be eliminating the queue problem which you may have to come back and fix in a year and a half. You might as well fix it now. Chris Ampfer verified that this would not affect our city sign in that area. Brenda Helton verified that the land would be coming from the school side, but there is enough right of way.

Lisa Cavanaugh made a **motion to allow for full funding of Option 1 which includes work on East Alexandria Pike and the purchase of the Sullender property.** Adam Sandfoss seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Lisa Cavanaugh made a **motion to allow the Mayor to enter into a purchase agreement to buy the Sullender property contingent on the bid numbers for the road work coming in, at, or below projected numbers.** Brenda Helton seconded the motion. Roll call voted showed five yeses and no noes. **Motion carried.**

Chris Ampfer made a motion to adjourn the May 4, 2016 special council meeting and Lisa Cavanaugh seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**

## Cold Spring City Council May 23, 2016

The regular meeting of the Cold Spring City Council was called to order by Mayor Angelo Penque. He pointed out exits from Council Chambers, per Fire Department regulations. Prayer and pledge to the flag was led by the City Clerk. Roll call showed the following council members present – Chris Ampfer, Lisa Cavanaugh, Lou Gerding, Brenda Helton, Roger Jones and Adam Sandfoss. Also present were Police Chief Brian Messer, City Clerk Rita Seger, Administrative Officer Stephen Taylor and City Attorney Brandon Voelker.

There was one addition to the agenda under New Business – sponsorship of a text amendment for a conditional use in the SDA zone, and delaying one agenda item, Resolution 16-01 for Christ Hospital because they are waiting on a hearing in Frankfort.

Mayor Penque commented on the items of interest to the community. The city office will be closed on Monday, May 30<sup>th</sup> for Memorial Day. There will be a Trunk Sale on Saturday, June 11<sup>th</sup> at the Carole Huber Municipal Ballfield, from 9 am to noon. Call the clerk's office to make your reservation. The city is offering veterans assistance on the third Thursday of the month, from 10 am to 2 pm at the city building for Cold Spring residents, by appointment only. Call the city clerk's office to make a reservation. Mayor Penque stated that Mike Disney is the advisor and just last week spent a couple of hours assisting one of our veterans and they were very happy for his help. If you know of a Cold Spring veteran who may need help with their VA benefits, please call the city office and make a reservation. The City of Cold Spring 75<sup>th</sup> Anniversary will be held on Saturday, June 25<sup>th</sup>. There will be numerous events throughout the day. Call the city building if you or a friend or family member can volunteer. The 5K run/walk will begin at 8:30 am. Mayor Penque stated that we will be doing various advertising for the event. There will be a drawing of an American flag for Cold Spring residents in attendance at the end of this meeting.

The minutes of the April 25, 2016 council meeting were reviewed by all. Lou Gerding made a motion for approval and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

The minutes of the May 3, 2016 special council meeting were reviewed by all. Adam Sandfoss made a motion for approval and Brenda Helton seconded the motion. All were in favor. Motion carried.

There were no scheduled or unscheduled guests.

There was no Old Business.

Under New Business, **Resolution 16-02** was read, **supporting a sewer line alternate route**. Brandon Voelker explained that when businesses call Campbell County Planning and Zoning and are told that there is no sewer capacity on the property across from Meijers, they hang up. There are monies being spent in the county and Mayor Penque has met extensively with some property owners in Camp Springs. The Kentucky Infrastructure Authority has money set forth to build a force main through Camp Springs that will not add anymore uses or revenue for SD1. It is possible to build sewer capacity to the AA Highway and US27 while also solving overflow issues. This resolution is basically saying you can kill two birds with one stone. You can either build a main where people don't want it, or we have developers who are interested in coming here that will add more customers. Unless you get sewer capacity in that area across from Meijer, there can't be new development.

Adam Sandfoss questioned if this is a resolution supporting the proposed expansion going through Camp Springs, or to move it somewhere else, or to say we want to add more onto that. The City of Camp Springs is against it because of what it would do to their property values. They are a historic city with vineyards and wineries. He questioned if this resolution would be supporting that main. Brandon Voelker stated that this resolution is to support an alternate. It is to spend the money where people want it, and where they will get more users as well as solving the overflow. Lou Gerding questioned where this line would run, and would like to see a drawing on paper. Brandon Voelker stated that there are four or five routes that it could take. There is plenty of treatment capacity at the new plant in Alexandria but there is no infrastructure to get it there. We do not have drawings. SD1 says to get a development first and then they will put it in paper.

Councilman Gerding stated he has heard people saying it would be cheaper to run it this way than going to Camp Spring. Brandon Voelker stated that he doesn't believe it is cheaper. It is probably more expensive and that is an issue. The engineers have said that it is cheaper to run through Camp Spring than to do a bigger more expansive project. Steve Taylor stated that one engineer study said it would be cheaper to follow one of the alternates but there are other studies that say the main pipe that they are laying in now is the cheaper of the two. Brandon Voelker stated that we are trying to get a dialog going with SD1 to discuss alternatives. SD1 is at their debt capacity. Their only mechanism to borrow is through the Kentucky Infrastructure Authority,

and the city's thought is that if they are going to be borrowing money, let's look at options where the money could be better spent than in an area that adds no users.

Lou Gerding questioned that if they do move this line, would there be a chance that they would be putting a force main across a populated area of our city. Brandon Voelker stated that we have a force main. If this was built, it should alleviate some of these issues. There are two private treatment facilities, not in our city but nearby, and they are not doing well. Lisa Cavanaugh verified that this is not to enter into an agreement, but to just open discussions with SD1. Brandon Voelker concurred and stated that this could go nowhere. We just want to try to get them to consider other options, to help spur development. Lou Gerding made a **motion to approve Resolution 16-02 with the stipulation that the wording Kentucky Infrastructure Authority be spelled out instead of just using KIA.** Brenda Helton seconded the motion. All were in favor. **Motion carried.**

As an addition to the agenda regarding a text amendment, Brandon Voelker explained that Cindy Minter of Campbell County Planning and Zoning has been approached by a number of breakfast-type businesses. The area under consideration is in the SDA zone and the deal breaker is whether a drive-thru would be allowed. He is questioning if council would be willing to sponsor a text amendment which would set a public hearing for public input and dialog on whether a drive-thru should be permitted as a conditional use in the SDA zone. If it is made a conditional use, then the Board of Adjustment would have to grant approval before it would be allowed. This gives an extra layer of protection.

Brenda Helton verified that without a text amendment the individual business could not go before the Board of Adjustment. Mr. Voelker said they could not because it is not currently allowed in that zone. Our SDA zone doesn't allow either drive-thru or drive-in. Chris Ampfer questioned the banks and drug store drive-thrus. Brandon Voelker stated that there is a specific line in our zoning regulations that allows banks with a drive-thru.

Brandon Voelker stated that only two entities can sponsor a text amendment, Council or Planning and Zoning. If Council sponsors it, Planning & Zoning would have a public hearing, take public comment, and make a recommendation. Then it comes before Council to either look at their recommendation and say yes or no, or Council could have their own public hearing. Brenda Helton verified that this text amendment just gives developers the opportunity to come in for a conditional use. Brandon Voelker stated that assuming the conditional use text amendment is granted, the developer applies, does his Stage I development plan, and then would have to be granted the conditional use by the Board of Adjustment, but just because they apply for a conditional use doesn't mean that they will get it.

Lou Gerding stated that the SDA is a special development area and the reason it was developed in the city is because they have to be handled very delicately because a lot of it adjoins residential property. That decision should belong in Council's hands, not in the Board of Adjustment or anyone else's hands. Studies have been done in the past and a lot of businesses were turned down. Many of them were fast food restaurants which the city did not want in the SDA zone. We should table this to a caucus meeting where we can have a long discussion on this. Adam Sandfoss agreed. When you look at something in the very beginning you might think that a drive-thru is not a very big thing, but when you consider how close they may be to residential properties you have to be very careful on what you allow and don't allow. There are ramifications to all of those decisions and this is not something we should rush through in a five minute discussion. It is appropriate to wait for caucus where we can have pro and con discussions.

Brandon Voelker said that this is a fairly known entity, and a drive-thru would be a deal breaker for them. The property in question is next to LaRosa's. Chris Ampfer stated he doesn't see a problem with that location. Brenda Helton questioned if this is something we might want to let go until the comprehensive plan is drawn up. She stated that a text amendment would affect the entire SDA zone. Steve Taylor stated that the SDA zone is basically all long US27 with the exception of a few parcels. Brandon Voelker stated that this is just a sponsorship. Council would have to vote by ordinance to have this happen. Council could sponsor it, but still vote it down. Steve Taylor stated that if you vote to sponsor the text amendment to make a change in the SDA zone, that change is a conditional use change. This is not carte blanche. You have to present a business and a case for that conditional use to be applied. Brandon Voelker stated that you have to show that it will not adversely affect the general health and welfare. Brenda Helton stated that if we begin to discriminate, we may be facing lawsuits. Lou Gerding doesn't want the Board of Adjustment to have to make that decision. Council is elected by the people and it should be in the hands of council. The Board of Adjustment should not have to be worried about having lawsuits against them.

Chris Ampfer questioned if that area could just be rezoned. Lou Gerding stated that would be the best alternative. Brandon Voelker stated that it cannot be re-zoned because that lot is not five acres, as required by our ordinance. Chris Ampfer questioned if we couldn't just re-zone all of the lots in that parcel since it would be over five acres. This would be more preferable than changing the entire SDA. Brandon Voelker agreed that we could re-zone the whole area to Neighborhood Shopping Center if you just want to deal with that site. Brenda Helton questioned if re-zoning would be the applicant's responsibility. Brandon Voelker stated the applicant can't do it since they don't have five acres on their lot alone, but council could sponsor the zone

change. Chris Ampfer questioned how long the re-zoning process is, and Brandon Voelker replied that it would take as much time as a text amendment.

Steve Taylor commented that a public hearing could actually be scheduled in July for a zone amendment. It is very similar to the text amendment. Lou Gerding stated that Steve Taylor should talk to staff and we will then talk about it in length at the next caucus meeting. Brandon Voelker stated that we could have Campbell County Planning & Zoning talk to the applicant and tell them that we are receptive or open the idea, and that should be enough for them to keep the ball rolling. Mayor Penque stated that he believes that council would be receptive and we are looking farther down the road. This matter will be tabled until the next caucus meeting.

A citizen in the audience thanked the city for the stop signs in Granite Spring. Mayor Penque stated that the thanks go to Councilman Sandfoss who urged us to have them installed. They had been approved but we were backed up with our work schedule. The signs has helped the community and slowed people down. Thanks to Councilman Sandfoss for bringing this to our attention.

Departmental reports were submitted in writing.

Brenda Helton thanked public works. She saw them putting the flags up on the poles along US27. Chris Ampfer asked for clarification of the finance report in the packets, and also questioned the auditor letter in the packets. Steve Taylor stated that these financial reports are simply a department line by line statement of expenditures. The auditor letter just states that they have entering into an agreement for the audit for three more years with the city.

Council comments followed.

Lou Gerding stated that he would like to be placed on the next caucus agenda for discussion on possibly sponsoring a text amendment for agricultural use. Brandon Voelker stated that he and Councilman Gerding were meeting with the county and there are some loopholes that need to be closed up.

Brenda Helton asked for information on the Crestview Memorial Day Parade on Monday since it will affect the center of town and streets will be closed. Angelo Penque stated that Mayor Peters of Crestview said that the parade will begin at 9 am, with staging to start at 8:30 pm at Cline Elementary School. He invited all council to participate. Brenda Helton questioned if the county handles the street closures. Chief Messer stated that Cold Spring always assists with the parade. It starts at Cline Elementary and goes down East Alexandria Pike, then branches down Dodsworth to Crestview. Typically Cold Spring P.D. handles the East Alexandria and Dodsworth intersection for about ten minutes for the traffic to get through, and then county handles the Crestview area. Typically the fire department shows up around 9 am and as soon as they show up the parade takes off. There is a small gathering in Crestview. Brendon Helton questioned if Cold Spring was participating. Lou Gerding stated that it is their parade, and sometimes we have not been invited and in fact we have not participated for quite some time. Mayor Penque stated that council members can certainly walk in the parade, just notify them.

Lisa Cavanaugh reminded everyone about the 75<sup>th</sup> Anniversary. We are working and meeting every week and all of the details are coming together. We are still looking for volunteers at the soft drink, popcorn, and candy booths. We will begin advertising and there will be a 75<sup>th</sup> anniversary page open group facebook page.

There were no Attorney comments.

Mayor Penque emphasized that if anybody would like to help us with the 75<sup>th</sup> Anniversary, we would sincerely appreciate it. We would also sincerely appreciate your attendance. We will have a beer tent this year and hopefully a few of the Council Members will assist in this booth. This is his sixth month as mayor and he has learned a lot. Administration, along with Council have been very supportive of him and he appreciates all of their assistance in helping him do his job. His main concern as always is safety and the betterment of our city. He emphasized that reaching him is not always an easy task unless you lift up the telephone and call here. With all of the e-mails that he receives it is much easier to reach him by telephone and he will return your call. He stated that we have one heck of a City Administrator, Steve Taylor, with all of the time and effort that he puts in and the hours and tasks that he has taken upon himself, has been unbelievable.

Resident Bill Farrell was the winner of the American flag and pole.

Lou Gerding made a motion to adjourn the May 23, 2016 council meeting at 8:12 pm and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**