

Cold Spring City Council November 24, 2008

The regular meeting of the Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag and prayer was led by the City Clerk. Roll call showed the following present – Lou Gerding, Charles Gray, Dave Guidugli, Rob Moore and Kathy Noel and 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 added two items to the agenda under new business, 10 a., for City Administrative Officer affirmation, and under 10 b. discussion of Plaza Drive alternatives.

Michael Vank will attend the December meeting, to be introduced as our new City Administration Officer. He had a previous commitment this evening and could not be present.

Mayor Stoeber stated that the next item on the agenda is very significant to the city, both happy and sad. We have three outgoing council members who have chosen to move on to another chapter of their lives. Mayor Stoeber sincerely thanked Charles Gray, Dave Guidugli and Kathy Noel. They have shared in accomplishing great and long lasting things for the city. Mayor Stoeber stated that one most constant definitions of success is service to others. It has been such a pleasure working for these three outgoing members.

A proclamation was read and a gift was presented, individually, to Charles Gray, Dave Guidugli, and Kathy Noel. Charles Gray related how he first came to Cold Spring. He stated that it has been a wonderful time serving on City Council and it has been a pleasure working with the Mayor and City Council members. Dave Guidugli thanked everyone and expressed his appreciation for all of their support. Kathy Noel expressed her appreciation in being asked back to Council in 2006. She is very glad that she was able to accomplish so much with this Council and she enjoyed her time with them. Mayor Stoeber stated that he has grown so much professionally as a city official and personally because he has known all three of them.

The trash pickup for the week of Thanksgiving will be on the regular pickup day of Friday, November 28. During Christmas week and New Years week, trash pickup will be delayed by one day, with pickup being on Saturday of those weeks.

The City held a Veteran's Memorial Service on November 9th. It was a very nice but cold service which is why the attendance was on the light side.

Light up Cold Spring will be held on Sunday December 14th, from 6:00 to 9:00 pm. Everyone should have their lights on by 6:00 pm. The city will judge the lights and the winners will be announced Monday, December 15th.

The December meeting schedule has been changed. The regular December 8 caucus and regular December 22 council meetings will be cancelled, and will be combined into a special meeting on Monday, December 15th.

Mayor Stoeber stated that as we have three council members leaving, we will have three new council members sworn in on Monday, December 15th. We are going through a smooth transition, which is our right and one of the beauties of our country.

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

The minutes of the October 27th council meeting were reviewed by all. Dave Guidugli made a motion for approval and Kathy Noel seconded the motion. All were in favor, with the exception of Stuart Oehrle who abstained. Motion carried.

George Tagge of 5959 Crystal View addressed council. He expressed his appreciation to Rita Seger, City Clerk, for keeping him apprised of information he requested from the city, and thanked her for the updates.

Brandon Voelker stated that K.R.S. requires that this body affirms the mayor's appointment of **Michael Vank as City Administration Officer**. Stuart Oehrle made a **motion to affirm this appointment**, and Kathy Noel seconded the motion. Brandon Voelker stated that the affirmation of this position is at the pleasure of the mayor. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber stated that there was discussion at the last caucus meeting regarding the first 750 feet of Plaza Drive and its' current status as to whether or not it will be a public street. Since that caucus meeting, at this time a possible alternative in regard to Plaza Drive was brought up.

Brandon Voelker reviewed the past history. He stated that part of the approved zoning for the Carespring development is resolution of that portion of roadway, since it has not been accepted. That needs to be clarified. Carespring voiced concern to the owner that a public street is part of the contract. Various issues were brought up, including ripping up and re-building the upper portion of Plaza Drive. This would solve the problem, but if it is a good roadway it would not make sense to rip it up. One possible solution would be to allow the developer to obtain a bond, covering a certain time frame and money amount, in which we would have the easy means to get the money and make repairs to the road if necessary. If the road is fine, then that bond money would not be spent. The request is just to have council allow the mayor and attorney enter into discussions with the developer, and see if there are other options, and bring it back to council. If this body doesn't want them to pursue this further, then they don't want to waste their time.

Kathy Noel questioned what would keep another contractor from doing what they want to do without letting us know. Brandon Voelker said that it is out of the ordinary having someone pour a top coat without an inspection and permit. We have never had something like this happen in the past. In this case the developer has to go to a considerable expense to buy a bond, or they may have to go in and rip it up and do the job twice. It is obviously not sound business policy.

Charles Gray questioned what amount the bond should be set at, and what the cost of the bond would be to the owner. Brandon Voelker stated it should be set to at least \$100,000. The bond would probably cost the owner in the thousands of dollars, but it is a cheap buyout and would be beneficial to them if are they willing to spend it to get them off the hook.

Time frames for the bond were discussed. NKAPC state that roads should typically last fifteen to twenty years, less the three years that it has been down. Lou Gerding stated that the road has hardly had any traffic on it, and our city streets last for twenty-five plus years. Brandon Voelker stated that part of our success is good sound maintenance. If there is a problem with that road, it should reveal itself pretty quick once we get a good amount of traffic on it. They will have to deal with construction vehicles once Carespring is under construction, and they will have to deal with additional traffic coming in off of the AA Highway.

Stuart Oehrle said that we have to make sure they take care of maintenance and sealing of the road up to this point, and look at the bond to start when construction starts and make the point that there should be a construction entrance.

Mayor Stoeber stated that if we go forward with this, he wants to gather individual concerns being posed tonight, and to satisfy the security questions to ensure that it would be a viable street. Security measures have to be in place so that, if necessary, we can draw money from the bond immediately without getting into squabbles. There are many tactical issues to be worked out.

Lou Gerding stated that the bond should be set for twenty-five years because that is our average, and the amount of the bond, considering inflation and future costs, should be approximately \$200,000 to \$250,000. We should be able to call that bond ourselves, without questions, challenges, or strings from property owner, bank or anyone else. We do not want to be stuck in future litigation. The citizens in Cold Spring should not pay for the street because a developer did not do his job properly.

Mayor Stoeber stated that security of time, value and access to the money seem to be the three overriding things have to be met before bring this back to council.

Stuart Oehrle made a motion to **authorize City Attorney Brandon Voelker and Mayor Mark Stoeber to enter into negotiations with the developer for Plaza Drive, to be brought back to this Council.** Rob Moore seconded the motion. Charles Gray questioned if the Plaza Drive connection to the AA Highway is included. Mayor Stoeber stated that is not part of this negotiation. That section is being built as a public street. One of the conundrums that we are now facing is that we have 750 feet of a private street and 1,000 feet of public street. Roll call vote showed six yeses and no noes. **Motion carried.** Mayor Stoeber verified that he will bring a full report back to council without making any prior commitments.

Brenda Helton questioned why the city does not keep the original \$15,000 bond since the work was not done properly. Mark Stoeber stated that this \$15,000 would be replaced by this new bond and we would go from there. In order to accept the \$15,000 bond we would have had to accept the street. The \$15,000 is not enough to guarantee a good street.

On the finance report, Mayor Stoeber stated that we are working on and enhancing the financial package to present financials in a different way with more detail. Mick Vank is working on this and will adjust things into his own style.

Ed Burk reminded everyone to pay attention to the roadways. We have had seven vehicle versus deer accidents in the last few days. Watch for animals along the roadways. Also with winter driving, allow more stopping time between vehicles when the streets are wet and slippery. Be especially cautious of bridges and overpasses, slow down and be extra careful.

Mayor Stoeber stated that this is the season where the city could issue a snow emergency in very inclement weather. If it snows, don't park on the street if possible. It makes it easier for the plows to get to and also keeps the streets without cars much safer. In general follow the concept that if it snows, get your car off of the street. Check with Channels 9 and 12, 700 WLW radio station, and on the internet with WKRC.com and WCPO.com, or digital TV to see if the city has announced a snow emergency. If you have a question during the day call the city office and they should be able to answer your questions. We have a city emergency status line. You can call this 24/7 and it will tell you if a snow emergency is in occurrence. If a snow emergency is in place you must remove your car from the street. Your cars will be ticketed and, depending on the hazards, may be towed.

Public Works has the trucks ready and the salt is in.

Dave Guidugli presented an article in the Sunday Enquirer on page A21, saying when one makes a mess, others will follow. Mayor Stoeber stated that the study shows that people mimic bad actions. When you see broken windows and damage, it has a cumulative effect and crime follows. This article proves that where neighborhoods are clean, people will keep things clean. If there is graffiti or people allow it to run down, more and more people will allow things to run down. This is the reason the city established our code enforcement board and officer. They can help assist and regulate how you want to live and work, however it is not all the government's job. It is your life to keep clean and orderly and your neighbors will follow. You are in charge.

Dave Guidugli stated that if you see something that doesn't appear to look right in the city, call the city building and report it and we will follow up on it. We can't be everywhere and we need people to let us know what is going on.

Rob Moore stated that since the wind storm, some houses in the city still have siding issues, debris and shingles laying in their yards. It has been three months since the storm. Keep in mind that there is time frame where they need to get this straightened up.

Dave Guidugli thanked everyone over the years who voted him in and had confidence in what he was doing. He would like to see more people attend the council meetings and voice their ideas.

Mayor Stoeber again thanked Kathy Noel, Dave Guidugli and Charles Gray for the years that they have given to the city and also the life and excitement that they have given to mayor and council.

The American flag and pole were awarded to George Tagge of 5959 Crystal View.

Motion to adjourn the November 24th regular council meeting was made by Kathy Noel and seconded by Charles Gray and Dave Guidugli. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: