

Cold Spring City Council February 22, 2010

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 council members present – Lou Gerding, Brenda Helton, Rob Moore, Stuart Oehrle, Janis Reiman, and Sandy Ross. Also present were Police Sergeant Brian Messer, City Clerk Rita Seger, and City Attorney Brandon Voelker.

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

Mayor Stoeber requested that Item 10.C, cap-act resolution be removed from the agenda.

There will be a drawing for an American flag and pole for residents who stay until the end of this meeting.

The minutes of the January 22, 2010 regular meeting were reviewed by all. Brenda Helton made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

There were no scheduled or unscheduled guests present to offer comments to council.

Ordinance #10-961 was read in summary form for first time, amending the Cold Spring curfew laws for minors.

Mayor Stoeber stated that the main purpose is to have our curfew laws in line with driving regulations. The police department fully intends to be much more enforcement conscious of the children out past the curfews. This will be noted in our newsletter so children and their parents will be aware of what the curfews hours are. Attorney Voelker asked that Council advise him if they see anything additional that they would like to have brought in for consideration. It can be amended before the second reading. Stuart Oehrle verified that the only thing we are changing is the first part of the ordinance and everything else remains the same. Rob Moore made a **motion to approve this ordinance**, and Stuart Oehrle seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance #10-962 was read in summary form for the first time, amending the Cold Spring Animal Control Ordinances. Lou Gerding made a **motion to approve this ordinance**, and Stuart Oehrle seconded the motion. Brenda Helton questioned if any other cities were consulted to see if we were in line with their ordinances. Brandon Voelker stated that Animal Control Officer Terri Baker made these recommendations and changes which would bring us into compliance. He made note that these were made as civil offenses so they could be brought before the Code Enforcement Board. Roll call vote showed six yeses and no noes. **Motion carried.**

Resolution 10-01 was read, regarding the current withholding of submission of our dues and other recommendations to the Kentucky League of Cities. Mayor Stoeber stated that our Administrative Officer, Michael Vank, is attending the KLC listening session tonight where he will read a letter by Mayor Stoeber, to be entered into the record. This letter expresses our displeasure in past occurrences and how KLC has reacted and responded to their audit. The letter includes some recommendations on how we would think that KLC could act and take the proper steps to restore credibility to the community and additionally restore focus to their roots. Lou Gerding made a **motion to adopt this resolution**, and Rob Moore seconded the motion.

Lou Gerding commended Mayor Stoeber on his detailed letter. It is not just a letter of complaint but has a lot of good ideas that KLC can use to help resolve some of their problems. Sandy Ross and Janis Reiman concurred that the letter was very well done. Brenda Helton questioned the agenda which stated withholding of insurance and asked for clarification. Mayor Stoeber stated that the summary on the agenda is mainly to discuss the KLC resolution. The details of what is being withheld or actions being taken are in the resolution. We are only going out for comparative bids, with the intention to pay the dues once a variety of proper actions are taken, based on the audit.

Roll call vote showed six yeses and no noes. **Motion carried.**

The dedication and acceptance of Plaza Drive was next on the agenda. Mayor Stoeber stated that at the February caucus meeting, Councilman Gerding had requested that council members go out and look at the street, particularly the curb area, to determine whether or not the city wishes to accept that street and release the bond that has been associated with the street.

Lou Gerding stated that there was discussion at the Caucus meeting as to whether the inspection was done on the repair that was made on the curb down by the storm sewer, and he questioned if we have received an answer from Scott Hiles, NKAPC, on that issue. Brandon Voelker stated that he contacted Mr. Hiles on February 11th and was told that Rob Zwick, NKAPC did the inspection. He stated that Michels Construction did the work on the streets, but the letter which was sent did not address the curb. Mr. Voelker asked Mr. Hiles to follow up with him saying they identified and inspected the curbs, but he has not yet received a reply.

Lou Gerding made a motion that we **table the dedication/acceptance of Plaza Drive until a future time.** Janis Reiman seconded the motion. Stuart Oehrle verified that there is no time constraint involved on this acceptance. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber stated that once we receive some form of affirmative documentation, this item will put on the next available meeting agenda for discussion.

There were no follow up citizens comments.

Departmental reports were reviewed.

Mayor Stoeber stated that we are entering the budget process. The City starts our process a little bit earlier than anybody else and this gives us plenty of time to pull the data together and take a good look at it. Mick Vank will have a budget schedule within the next two weeks, so that we can put everything in line and start the overall council input and finalization. We hope to have it by the first week of May.

Mayor Stoeber reported that on the day that we had six to eight inches of snow, the police department was out in full force and we didn't even have an accident that day. That is an excellent and huge compliment to the people who are traveling through our city. Also it is great that the police department had extra people on duty or on call in case we had a rash of accidents.

Stuart Oehrle commended the police department as well. When the state came along the AA Highway to clear that roadway, all of the snow was piled into the street entrances off of the AA. A couple of our police officers where out there while our public works department re-plowed the snow out of the street entrances.

Mayor Stoeber stated that over the past years, a lot of times citizens sometimes comment that they never see anybody patrolling in their area. Those comments have stopped. We get many compliments on the number of patrols in the neighborhoods, even on the nighttime patrols.

Brenda Helton commented that she was very pleased that our delinquent taxes are coming in and being paid.

Stuart Oehrle requested a copy of the finalized schedule of events to be placed on our website.

Sandy Ross questioned the resident letter we received about citation for parking on the street during a snow emergency, and she questioned if a response would be made on that. She verified with Sergeant Brian Messer that citations issued for parking on the streets during snow emergencies were for \$25.00. Ms. Ross questioned who declared the snow emergency and how our residents are advised. Mayor Stoeber stated a snow emergency is technically issued by the Mayor, however, because we have a full time city administrative officer who has the public workers and the police officers input, he goes with a snow emergency based on their recommendations, and it is issued on the mayor's behalf. Mayor Stoeber stated that notification is put out on the website, every news agency, and if it is after hours it is placed on our telephone line 1, which is reserved for emergencies or city events or for any after hour postings.

Rob Moore requested that the city verify that the Tree City grant has been completed and sent in.

Brandon Voelker stated that, in our council packets, there was a report from NKAPC on our Planning and Zoning Commission actions taken on a **request for a map amendment for a .33 acres parcel on Chapman Lane, to subdivide a piece of property which was zoned R-RE to make it R-1C** so that it would be in line with the rest of the zoning of the street. A zone change is ultimately voted upon by council, and if council doesn't act within ninety days, then the recommendation of Planning and Zoning Commission carries. Council's option at this point is to go ahead and pass an ordinance to approve the change, or do nothing and at the expiration of ninety days from February 11th the actions of our Planning and Zoning becomes final, or vote to disapprove it which requires a super majority of four council members. Council is also free to have its' own public hearing should they so choose. Mr. Voelker stated that Council has received a copy of the recommendation of NKAPC for approval, and

the actions our Planning and Zoning Commission. The applicants are present tonight. They can't put ~~it~~ this parcel on the market until the zoning has changed.

Brenda Helton verified that by council taking action tonight, it expedites the process rather than having them wait for the ninety days. Mark Stoeber stated that this is done by ordinance, so it would have to be read twice. It wouldn't be official until the March council.

Rob Moore stated that the Planning and Zoning minutes which Council has received are just a draft, not yet approved, and he verified that Brandon Voelker has looked them over. Lou Gerding verified the area of this zone change request is the small parcel with the house on it, and not the larger parcel. Brandon Voelker stated that the larger tract will still be zoned R-RE. There are no homes on the larger parcel and if it is ever going to be developed, more than likely there will be a zone change request because it is about four acres.

Stuart Oehrle verified that the change in zoning for that piece of property would bring it in line with all of the other Chapman properties on the left, and on the same side of the street. The larger flag piece would stay the same, which is R-RE.

Council agreed to include this as an agenda item tonight.

Stuart Oehrle made a **motion to approve Ordinance #10-963, first reading in summary form, changing the zone on this 0.33 acre parcel on Chapman Lane, from R-RE to R-1C for reasons set forth in NKAPC Staff report CS-10-01-04.** Rob Moore seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Jacob Weiner was awarded the American flag and pole. Jacob is present tonight to earn his Scouting merit badge.

Lou Gerding made a motion to adjourn the regular February 22nd council meeting and Sandy Ross seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: