

## **Cold Spring Planning & Zoning October 12, 2011**

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice-Chair Christopher Vaught. Pledge to the flag was led by the city clerk. Roll call showed the following present – Tony Ponting, Tom Ross, Tami Trunick, and Christopher Vaught – excused were Alan McCullough, Donna Schmidt, and Vince Sticklen. Also present were City Clerk Rita Seger, City Attorney Brandon Voelker, and Andy Videkovich, NKAPC.

Vice-Chair Vaught pointed out the exits from the building, per Fire Department regulations.

The September 14, 2011 regular meeting minutes were reviewed by all. Tom Ross made a motion to approve these minutes and Tami Trunick seconded motion. All were in favor. Motion carried.

During the past month, Chair Donna Schmidt signed a final plat for Granite Spring Building 26, and an ID Plat for the subdivision of a parcel and remainder property in the name of Jill Stamper. Tony Ponting made a motion to approve these signings, and Tom Ross seconded the motion. All were in favor. Motion carried.

The public hearing was called to order on a proposed **text amendment to the Cold Spring Zoning Ordinance deleting all current floodplain regulations and adding new floodplain regulations in keeping with the US FEMA requirements.** Andy Videkovich of NKAPC submitted the Staff review in writing, which shows the proposed changes from the current regulations to the proposed regulations. He stated that floodplain regulations are important because they allow the city to participate in the National Flood Insurance Program. It also allows the city to receive a higher community service rating so that residents in the city can receive flood insurance at a lower rate. Cold Spring is fortunate in that most of the city sits on a hill, but there are a few 100 year flood plain locations within our boundaries. These proposed regulations are consistent with the recommended model by FEMA, therefore Staff recommends that this Board send Council a favorable recommendation.

Christopher Vaught referred to an e-mail by Police Chief Ed Burk that was distributed to P & Z members. Chief Burk questioned page 21 of the proposed regulations which refers to violations as civil offenses, yet on page 22 concerning penalties it states that a violation constitutes a Class A misdemeanor. Brandon Voelker stated that should this Board wish to approve this text amendment, they can also recommend to council to make all offenses as civil offenses, and adding language to utilize our code enforcement board, which is a more effective arena for enforcement. We have had issues in the past where offenses go through the court and nothing ever happens.

Tom Ross made a motion to **recommend approval to council of this proposed text amendment based on Staff recommendations, with the exception that all offenses be made as civil offenses that would go through our Code Enforcement Board.** Tony Ponting seconded the motion. All were in favor. **Motion carried.**

Brandon Voelker stated that the only two bodies who can initiate text changes are City Council and the Planning & Zoning Commission. Our City has been dealing with fireworks issues, and council has come up with three items for this Board to review at a public hearing at the November 9<sup>th</sup> P & Z meeting. The issues are for both consumer and novelty fireworks.

Per House Bill 55, Board of Adjustment members William Hagedorn received 1.5 hours of continuing education and Tom Freppon received 10.5 hours of continuing education, and Planning & Zoning members Tom Ross, Anthony Ponting, and Vince Sticklen each received 1.5 hours of continuing education. Tami Trunick made a motion for approval, and Tony Ponting seconded the motion. All were in favor. Motion carried.

Tami Trunick made a motion to adjourn the October 12, 2011 meeting and Tony Ponting seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk