

Cold Spring City Council April 28, 2008

The regular meeting of Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag was recited and prayer was lead by the City Clerk. Roll call showed the following present – Lou Gerding, Charles Gray, Dave Guidugli, Rob Moore, and Kathy Noel, excused - Stuart Oehrle. Also present were Tom Benke, Ed Burk, Rita Seger and Brandon Voelker.

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

There was one addition to the agenda, under New Business, item 10 D. appointment to the Planning and Zoning Board.

Mayor Stoeber stated that the Arbor Day Program which was held on April 5th at Friendship Park was very well attended due to the good weather. Thanks to the Park Board for their hard work.

On Wednesday, May 14th, Operation Hug Day will be held at Noble Roman's Pizza, from 4 pm to closing. Sheila Bogen stated that celebrities Jeff and Jen of Q102 will attend from 4 to 6 pm as a way to increase the listeners for their radio station. Noble Roman's Pizza will donate a portion of their profits to the Operation Hug program. Operation Hug will have a booth and sell assorted items and bakery goods. Everyone is invited to join the fun. Volunteers are welcome.

Sheila Bogen gave an update on the packages shipped to Iraq. To date 235 boxes, approximately 1,700 lbs. of supplies have been shipped to our soldiers in Iraq. Snack items in plastic or hard containers that hold up well in shipping are very much appreciated. Drink mixes are also needed. The postage fund is holding and hopefully Noble Roman's night will bring in more money. There is about \$1,400 dollars in the fund, and we would like to build that so that we can give them a welcoming home party when they return, probably in November or December. Any donations of magazines for the troops are welcome provided that they are more recent issues, from late 2007 and 2008.

The City of Crestview is having their Memorial Day Parade on Monday, May 26 at 9 am. It starts at Cline Elementary, proceeds down Dodsworth Lane, and bends into the City of Crestview and comes up Uhl Road. The City of Cold Spring has been invited to participate. Operation Hug will be there with a float and will have a booth to sell goods.

The regularly scheduled May 26th council meeting is moved to Tuesday, May 27th at 7:30 pm due to the Memorial Day holiday.

An American flag and pole will be awarded to anyone present who stays until the end of this meeting.

The March 24, 2008 council minutes were reviewed by all. Charles Gray made a motion to approve, and Kathy Noel seconded the motion. All were in favor. Motion carried.

Mayor Stoeber stated that we do have a number of scheduled guests and he reminds all guests that the City does have a procedure of granting five minutes of presentation, for the efficiency of the meeting and to provide everyone an allotted time to speak on a particular item on the agenda.

Archie and Dee Williams of London Acres Condominiums were present to discuss the water problem of runoff and drainage into their lake. A letter had been submitted to council on March 3, 2008 explaining the runoff coming from Griffin Industries' addition and the Perry Development from US 27. Every time it rains, the lake is bombarded with mud from both sites. Dee Williams submitted pictures of their lake which shows the problems with mud and debris after a hard rain. There is also runoff from the Fire Department. Mrs. Williams stated that she had spoken to Don Sorrell of the Extension Center about erosion control and fence block (black tarp) which is supposed to catch the mud flow during construction and filter it, and holding tanks on construction sites which are supposed to release water in increments. The water is releasing mud which sinks to the bottom of the pond and after a few years it just sucks up all of the water. The erosion must be removed from their pond. They cannot afford that. Mrs. Williams invited all of council to come down and see it.

Archie Williams talked about their road which is full of potholes. The City is constantly doing temporary repairs. He passed out pictures of the roadway. Mayor Stoeber stated that the City is well aware of their road, which has serious underpinning problems. It is not a matter of temporary repairs in a local spot but a serious problem that goes back quite some time and would be quite expensive to repair. It is on our list of streets to repair but there are a variety of considerations. Right now it is best for the taxpayers to repair their road on an as needed basis.

Mayor Stoeber questioned if Dee Williams had contacted Griffin Industries about their construction runoff. Ms. Williams said the letter regarding the Griffin construction, which had been sent out by NKAPC did not reach them because it wasn't addressed to any individual. By the time they found out that construction had been approved, they had already cut down trees and it was too late. Mayor Stoeber stated that the erosion/soil line is the responsibility of Sanitation District #1. The City will make proper contacts to see if this problem can be mitigated.

Lou Gerding suggested if they have runoffs from the Fire Department they should contact the EPA so that they can do some testing because of the possibility of chemicals that may be running off into their lake.

Charles Gray verified that there are regulations in place to prevent these problems from happening in the future. Mayor Stoeber stated that there are runoff regulations and erosion control regulations by Sanitation District #1. As far as the road pavement, we absolutely have regulations in place there that were not in place at the time that the London Acres roads were built.

Lynn Cameron was present from Big Brothers / Big Sisters. He is a resident of Cold Spring and CEO of Big Brothers Big Sisters of Greater Cincinnati. Many of their staff is from Campbell County. He encourages people in the community to get involved with their program and become volunteers and mentors, whether they are single or married adults, couples with or without children. Anyone can do this if they pass the background check and interview. Apply on line at bigsforkids.org, or call 513-421-4120. They have a special program called Hispanic mentoring, and if you speak Spanish they can match you with recent immigrants. They have a school-based program where you can mentor a child at school, possibly during the lunch hour. This is a great crime prevention program, which builds self-esteem of the children and is helpful to them. Mayor Stoeber stated that we can publish information on this in our July newsletter.

Peter Noll, 63 Madonna Lane was present. Mayor Stoeber stated that our records indicate he is represented by an attorney on the storm water issue. Mr. Noll stated that he had asked an attorney to send a letter on his behalf but has no lawyer on retainer. Brandon Voelker stated that once an attorney has contacted him, as was done in this case, that technically and legally he can only respond through this attorney on this issue until the time that this attorney advises that he is no longer representing Mr. Noll. Mayor Stoeber stated that the city has to assume that he is represented by counsel, and has to set a ground rule, that he is free to be here but because of the engagement of counsel, city council and mayor will be unable to respond tonight. Mr. Noll stated that he only wishes to advise the mayor and council on where the issue now stands.

Mr. Noll passed out letters to mayor and council regarding the storm water drainage and land slippage on his property and Mr. Grothaus' property. Mr. Steve Trauth, of 65 Madonna Lane was also present. Mr. Noll provided photographs of the area, and read a letter which he had passed out to council. He reviewed the past history of the storm water issue, citing documentation, agreements and previous work performed by Cold Spring on the installation of the drop basin and storm water system. Mr. Noll contends that the drop basin was put in without the proper bedrock layer set in fill, and the pipes were not put in properly. He and Mr. Grothaus were informed that the KLC insurance claim was denied since they determined that the damage occurred prior to their date of coverage. Repeated requests for information on the denial letter clarification was never been responded to. Mr. Noll verified that his letter of requests dated April 18 was received by Mayor and Council, and questioned when they will meet to review the requests he is making today. Mayor Stoeber stated that these issues are under consideration by the City.

Dick Weber, Code Enforcement Officer, addressed council to discuss typical summertime issues. This time of year everybody is busy with high grass, weeds, garbage cans, and un-maintained yards. He will be looking for trees that didn't make it through the drought last summer, to stay in compliance with our tree ordinance. He has been picking up a few temporary signs off the streets, mostly belonging to vendors advertising business. Yard sales will be an issue and he will be looking for them and calling people to educate them on our sign ordinance and yard sale procedures. A property on Harvest Trail had a blighted house, vacant and run down. Mr. Weber contacted the owners who lived in Florida and they agreed that it was less expensive to take down then to bring up to code, so this week a demolition company will be taking it down.

Mayor Stoeber questioned large air filled balloons on buildings and if they were considered temporary signs. Mr. Weber will look into this and check our codes. Mr. Weber does go through the city at various times on Saturdays and looks out for signs placed out on weekends. Dave Guidugli thanked him for the job he has been doing. Mr. Weber has been courteous with people and getting things taken care of. Mr. Weber stated that he appreciates anything that people notice because he can't catch everything being here only one and a half days a week. Call the city building or phone his cell or e-mail and he will start working on it. Input from the city is very helpful. Dave Guidugli suggested letters to be sent to the businesses regarding cars for sale, being a violation if parked on a lot and the owner is not an employee of that business. Rob Moore questioned advertisements being placed under wiper blades in the city. Mr. Weber will check our regulations on that issue.

Ordinance 08-943, was read in summary form for the second time, enacting and adopting the 2008 supplement to the Code of Ordinances of the City of Cold Spring. Rob Moore made a motion to adopt this ordinance and Lou Gerding seconded the motion. Roll call vote showed all in favor. Motion carried.

Ordinance 08-944, was read in summary form for the second time, for the City, officially and by law declaring that the Municipal Ballfield is now the Carole Huber Ballfield. Kathy Noel made a motion to adopt this ordinance and Charles Gray seconded the motion. Dave Guidugli complimented Public Works on the sign. Roll call vote showed all were in favor. **Motion carried.**

Ordinance 08-945, was read in summary form for the second time, for the placement of two stop signs in the Granite Spring Subdivision. Rob Moore made a motion for adopt this ordinance and Kathy Noel seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

Municipal Order #08-02 was read, appointing Vince Sticklen to the Cold Spring Planning and Zoning Commission. Mr. Sticklen will fill the vacancy left by Joe Feinauer who resigned from his position on the Planning and Zoning Board due to the fact that he was moving out of Cold Spring. Dave Guidugli motioned to approve this appointment and Charles Gray seconded the motion. All were in favor. Motion carried.

Charles Gray acted as liaison at the Planning and Zoning meeting of April 14th. Though the agenda was light, a very complicated and complex subject of HC* (county) versus HC (city) was discussed. P & Z will have Staff look into possible wording for a text amendment so that the definitions might make this clearer and more understandable.

Tom Benke stated that the Animal Control Officer has been away in training. He will have the report sometime this week and will include it in budget packets to council.

Lou Gerding will be the P & Z liaison for their May 14th meeting.

Lynn Cameron, of 300 Mendocino Court was awarded the flag and pole.

Motion to enter into executive session per K.R.S. 61.810 C. Litigation and K.R.S. 61.810 B. Real Estate was made by Rob Moore and Charles Gray seconded the motion. All were in favor. Motion carried.

Motion to come out of executive session was made by Dave Guidugli and seconded by Charles Gray. All were in favor. Motion carried. No action was taken as a result of the executive session.

Motion to adjourn was made by Rob Moore and seconded by Dave Guidugli. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: