

Cold Spring City Council October 24, 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, City Attorney Brandon Voelker, and Ronnie Hitch of Public Works.

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

Mayor Penque commented on the items of interest to the community. The Movie in the Park, *Hotel Transylvania II* was held on Saturday, October 8th. Approximately 40 children attended and it went very well. The Coffee with the Mayor and Congressman Thomas Massie was held on October 8th and it went very well. We had a full house and residents said how much they appreciated having him here. Most of our councilmembers also attended. Mayor Penque received a number of calls from our citizens stating that they appreciated having him here. Trick or Treat will be held on Monday, October 31st, between 6 and 8 pm. We will have our Veterans Day Ceremony on Sunday, November 6th at the Veterans Memorial at Municipal Park.

There will be a Household Waste Collection event, held on Saturday, November 5th from 9 am until 2 pm at the UC Health Stadium (Florence Freedom). You must visit www.nkyhhw.org to print and complete a registration form prior to attending the event. City Offices will be closed on November 24 and November 25 for the Thanksgiving holiday. There will be no change in trash pickup, which will be on Friday, November 25th. Veterans' assistance will be 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 office at 441-9604. Mike Disney has spent 30 years helping veterans and he is a phenomenal fellow who knows his business. If you are a Cold Spring veteran and have any questions about your benefits, feel free to call the city and make a reservation.

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 September 26, 2016 regular council meeting were reviewed by all. Adam Sandfoss made a motion for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

Scheduled guest Randy Hemmerle, on behalf of the residents of Goetz Drive, addressed council. They have concerns about the conditions of Goetz Drive which has deteriorated and gone downhill significantly over the last several years. The end of the street, which has no drainage and no storm drainage whatsoever, has washed out. There have been three or four houses built at the end of the street over the last fifteen years and there is no turnaround so any cars coming down the street are subject to the potholes that have been created. There has been some patchwork over the past couple of years as well and it lasts five months and is washed out again. The bottom portion of the street is in dire need of repair and the entire street needs to be repaired. Council members were given photographs of the street conditions for review. The residents of Goetz Drive are requesting that the city takes this into consideration. It is his understanding that the city is looking into city streets that need to be repaved, and the Goetz Drive residents believe that their street is in need of significant work. In 2013 half of the one side of the street was done but it was never finished. Hopefully we will have something in the budget to repair the street fully.

Councilman Adam Sandfoss verified that there was no drainage at all at the end of the street and questioned what happens with heavy rains. Mr. Hemmerle stated it washes down to the last couple of driveways, one of which is his, which has caused other drainage issues on his property. Chris Ampfer questioned if this was on our road plan. Steve Taylor stated that it is on the list of roads to be considered for the next fiscal year. Goetz Drive resident Laura Vroegindewey stated that she has been a resident there for twelve years. Our city public works has been great, but if you get a truck back there, the repair automatically depresses right back where it started. About a month ago an eighteen wheeler turned around on their road, and her driveway was the one being used. People are starting to hit her retaining wall. For safety, she has moved her sidewalk to go to her driveway so it doesn't go straight to the street. It is even hard for the snow removal crews because of the incline which ices up so badly.

Adam Sandfoss questioned when the last major repair happened on that street and when the back end of that street was repaired. Steve Taylor stated the front end of it was done in 2013 when the city worked with the Water District. The Goetz Drive residents stated that it has been twenty years plus, and one resident stated that in 33 years, the work on the street has been minimal. For the record, Mayor Penque read a phone message from David and Cindy Smiley of Goetz Drive who stated that the street is in very bad condition. Lou Gerding questioned if there was a sign at the beginning of Goetz regarding the size of vehicles allowed. Residents stated the only sign is for no outlet. Steve Taylor stated that we have no weight limits posted on it. Lou Gerding stated that we should post a sign right away regarding weight limits, and then the police department can cite them. Laura

Vroegindewey stated that it is also difficult for the garbage trucks to navigate since it is a very narrow road. They have to back down the street, but it is very dark at 7 am and they have hit trees and leave limbs laying around. People who don't live on the street sometimes get mixed up and think they are going to another road but it is a dead end and they get stuck trying to figure out where they are supposed to be.

Lisa Cavanaugh verified that this is under consideration on the street plan. Steve Taylor stated that it is one of ten streets that they are reviewing. Goetz Drive resident Jolyne Bundy stated that she lives a couple of doors down from Mr. Hemmerle and they have also have a pothole spot in front of their house. Public Works comes out and fills it but a month after, she has to pick up the blacktop and throw it away because it is not really sticking. Water pools up and in winter the ice forms. That is another concern even farther up the street. Goetz Drive resident Dan Hamilton addressed council. He stated that on the photos provided that start at the Hemmerle house in the cul-de-sac, is down over the hill so that with the big pothole, anytime someone backs into it and tries to take off they spray gravel onto his driveway. It runs up to 9 Goetz Drive, and beyond that the spots are not as bad but it carries all the way to the new section. Mayor Penque stated that we will address this and will keep the residents abreast of it. Steve Taylor stated that the public works committee will look at the various options.

Mark Carney, region developer of Honest 1 Auto Care, along with Mark Santen, owner and operator of the business, and Randy Merten, property manager with Tappan Properties, approached the dais. Mr. Carney stated that they are here to ask for council's support. In order to operate their business at County Square on Martha Layne Collins Boulevard, they need an amendment to the ordinance to allow auto repair. They would like to operate a six bay shop in that center, from 4,000 to 5,000 square feet at the end of the strip center, and they would have the entry doors coming in on the side. Council members received information about Honest 1 Auto Care, and he stated that they offer an eco-friendly business. They recycle everything that comes into their shop, like fluids, paper, steel. They have an upscale and high end lobby with a kids area and have very clean upscale restrooms. They are a neighborhood shop that caters to neighborhood customers. Sixty to sixty five percent of their customers are female. They offer a shuttle service. They ask for our support of a text amendment to the NSC zoning ordinance.

Chris Ampfer verified that this is a six bay entry, with entry from the side and not the front. Mr. Carney stated that they have not done the final design, but will have five doors on one side and none out front. He stated that they are a young company and have one location in Loveland, in a strip retail center similar to the one on Martha Layne Collins Boulevard. Adam Sandfoss stated that there are residents behind this area and questioned how loud it will be. Mr. Carney stated that noise in an auto shop is a concern, however, technology has come a long way in addressing noise. The advancement in the compressors is great and you can barely hear them, as evidenced by the shop in Loveland where the sound is not heard at the flower shop right next door. There is still a sound from the air tools, but they have measured the noise and it dissipates. If you get sixty feet away, you can barely hear it. It is less than what you hear from a lawnmower. Councilman Sandfoss stated that on nice days they probably have the garage doors open in the bays and even the noise of the workers may be loud. Mr. Mark Santen commented that where they are located in areas governed by sound ordinances, every location is well within compliance. Mr. Carney stated another concern was cars parked outside, however they have six bay and may serve fifteen cars a day and their goal is to get them out in the same day. If they have cars that hold over, they have six bays and will just put them in the bays. They do not work on cars outside the shop.

Adam Sandfoss questioned the number of employees they will have. Mr. Carney replied that the first year will be six to seven, and after that it may go up to nine. Brenda Helton questioned if the subdivision regulations would define allowable hours of operation. Brandon Voelker reviewed the development controls of the NSC zone according to our zoning regulations.

Mr. Carney said they typically open at 7 or 7:30 and close at 5:30 or 6 and they are not open on Sundays. Lou Gerding stated that the issue is allowing this use as a text amendment. The glossy pictures are very nice and looks like a nice business, but another auto repair shop could open up in the same shopping center once the text amendment has been changed and they might not have such a nice business, and their hours may be different. We have to look at every neighborhood shopping center zone in the future and ask ourselves if this is the proper use in that zone. Adam Sandfoss questioned if they have a competitive business clause in their contract with County Square Association, where it might say they cannot have another mechanical or auto repair shop in the same strip. Mr. Carney stated that is in the lease that they are currently negotiating with. Lou Gerding stated that there are reasons why it is not allowed in the NSC zone, and we have other zones where this is allowed. That is where this belongs. Adam Sandfoss stated that he has concerns since this is located close to residential properties. There is not a lot of land there to finagle with. It is nice to see a business interested in that property since there has not been a lot of growth there lately. Brenda Helton verified with Steve Taylor that the only other property located in the NSC zone is the Meijer store. We do have about fifteen NC zone sites in the city. Brandon Voelker stated that we have Highway Commercial, which are located in the Plaza Drive area and on the AA Highway. Brandon Voelker clarified that Honest 1 Auto Care is asking Council to sponsor a text amendment to allow auto repair to the Neighborhood Shopping Center (NSC) zone.

Chris Ampfer stated that he really doesn't want to do anything tonight without talking to the neighbors in that area. Brenda Helton suggested that we discuss this further at the next caucus meeting.

There were no unscheduled guests.

There were no Old or New Business agenda items.

As a follow up citizen's comment, resident Jack Snodgrass addressed council. He stated that election day is going to be hectic. If you are going to vote, be prepared to wait in line. They are expecting a seventy percent turnout. Please get to your polls early to vote.

Departmental reports were submitted in writing.

Under council comments, Lou Gerding questioned the agricultural uses in the R-RE zone and he verified with Steve Taylor that this will be on the Planning and Zoning agenda at one of the two meetings which will be scheduled for November. Council will be advised. Adam Sandfoss stated that the upcoming election is very important and everyone should go out and vote. Also, as a registered nurse, he reminded everyone to get your flu shots this year. Chris Ampfer questioned where we stand with the Comprehensive Plan. Steve Taylor replied that the contract has been signed by all parties, and we are in the process of scheduling a joint meeting between this body and Planning and Zoning to review the objectives and the goals. Eventually we will have resident input. Lisa Cavanaugh questioned if the road at the front of Sturbridge was a turn lane. Brian Messer stated we are still working on that. She stated she has had numerous questions about Cracker Barrel, and asked for an update. Mayor Penque stated that as of today they signed paperwork with the owner and we don't know anything past that at this point. We have not had any contractual things going with them. Steve Taylor stated that they have submitted Stage I and Stage II plans to the County for review, and the way it stands they will be one of the two P&Z meeting nights in November. Councilwoman Cavanaugh asked everyone to get out and vote. Our local elections are very important too because they affect our daily lives here.

Mayor Penque commented that we are progressing in the city and he feels very strongly about not raising taxes. Also there are a number of businesses that have approached us and we have had numerous people call the city building wanting new restaurants in the city. That is not up to him but to city council, but he is very pro-business and still wants to keep a nice close community. His goal is to move the city forward with the help of city council and keep the taxes low and keep us safe. He does this job full time and if you want to get in touch with him, he is always available. Please call his office.

Resident Cheryl Williams was the winner of the American flag and pole.

Lou Gerding made a motion to enter into Executive Session, per K.R.S. 61.810 B – Real Estate, and Lisa Cavanaugh seconded the motion. All were in favor. Motion carried.

Chris Ampfer made a motion to come out of executive session and Adam Sandfoss seconded the motion. All were in favor. Motion carried. No action was taken during executive session.

Chris Ampfer made a **motion to accept the lake property at 4210 Alexandria Pike, and authorize the Mayor and City Attorney to enter into negotiations on the terms of transfer.** Lisa Cavanaugh seconded the motion. Discussion followed. Lou Gerding stated that it is not council's job to play "Let's Make a Deal" with developers in order to allow development to come into our city which will, in his opinion, cause traffic problems for residents. There being no further discussion, roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.**

Lou Gerding made a motion to adjourn the October 24, 2016 council meeting and Lisa Cavanaugh seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: