



CITY COUNCIL MEETING  
Minutes of March 1, 2012

The Alexandria City Council met on the above date at 7:00 p.m. Mayor William T. Rachford, Jr. was present and the following members answering roll call:

Council Members:

Barbara Weber	Present	Bob Simon	Present
Stacey Graus	Absent	Dave Hart	Present
Joe Anderson	Present	Scott Fleckinger	Present

ORIGINAL

Also present:

Jan Johannemann	Asst. City Clerk	Gail Jewell	Ethics Board
Mike Duncan	City Attorney	Ellis Lang	Ethics Board
Mike Ward	Police Chief	Ron Johnson	P&Z
Gary Frogde	Police Dept.	Kevin Mathews	Police Dept.

Mayor Rachford led the pledge to the flag. Barbara Weber read the invocation.

**APPROVAL OF MINUTES:**

February 16, 2012

**MOTION:** Dave Hart made a motion to approve the minutes of the February 16, 2012 meeting seconded by Bob Simon. All in favor, the motion passed 5-0-0.

**VISITORS & GUESTS:**

1) **Andy Schabell, 1176 Summerlake Drive:** In August, he started a blog in order to show the residents and city officials what the Dollar General Stores in the area look like. He was displeased with what he saw, and wanted to know what they could do to stop it from coming into his subdivision. Mr. Jewell told him there was nothing that could be done because the property was already zoned Highway Commercial. The job of P&Z was to review the plans that were submitted and to make sure they met the law. Mr. Schabell asked for a copy of those plans, but was informed they would not be available to the public until they were on record with the City, which would be after they were approved by P&Z. Mr. Jewell also would not allow the public to speak at that meeting, and there are still hard feelings towards the City of Alexandria and P&Z because of this. He asked if anything could be done to change this. He feels the residents need to be allowed access to site plans for potential developments prior to them being approved, and residents also need to have a voice at meetings to ask questions.

Mayor Rachford explained that the process is controlled by Kentucky Statutes. The place to change this is the state legislature. The P&Z meeting in question was not a public hearing, but an administrative function, and Mr. Jewell was perfectly within his right to not allow citizens to speak. The Mayor added that Dollar General is one of many permitted uses for HC zones, and the business has been great to work with and very cooperative. They have promptly addressed any issues that were brought to their attention. A few things still need to be addressed: building a retaining wall around the electric box, shields/covers for the lighting have been ordered, and as soon as the weather breaks, sod and trees will be planted.

Mr. Schabell asked if Mr. Jewell could have allowed the public to speak at that meeting. Mike Duncan explained that legally there is nothing prohibiting public comment at a site plan review. However, because the public wanted to know what could be done to stop or prevent this build, and if Mr. Jewell would have allowed that type of public comment, the Planning Commission might have

made their decision based upon issues other than what was pertinent. Mr. Duncan believes that there is plenty of room under Kentucky law to allow questions to be asked and answered at a site plan review, but the appropriate way would be to submit those questions ahead of time so that the City Engineer and City Attorney could be prepared to address them.

Regarding the site plan not being available for review ahead of time, Mr. Duncan said that once it becomes part of the record of the Planning Commission (an agenda item), they are a public record and can be reviewed. He will work with the city staff to make sure they are aware of that.

Mr. Schabell repeated that there were a lot of hard feelings that could have been handled if they would have been allowed to submit questions. He also wanted to publically thank Carol Hofstetter for her hard work and quick responses to his many e-mails, and Barb Weber for her candid discussions about how city government works and not being afraid to make her feelings known. He also thanked Stacey Graus and Dave Hart for taking the time to respond to questions and e-mails.

Mr. Duncan then explained that when P&Z is reviewing a subdivision plat or site plan, there are no public hearings, and the question is whether the application meets the requirements of the zoning ordinance. When P&Z has an application to change the zone, a public hearing is required and citizens are given the opportunity to speak. Mr. Duncan also listed other instances where a public hearing is required by law, for instance a proposed change in the list of permitted uses in a HC zone. Council has the final say on the actual zoning or text amendment to the regulations or map, but once all that is in place, it becomes P&Z's job to make sure it is followed. This is set up under Kentucky law to take the politics out of the decision making. If a flaw is found, it is up to council to try and fix it. Mr. Schabell asked the Mayor to see if anything needs to be changed in the future, and the Mayor agreed to do so.

Mr. Fleckinger then gave Mr. Schabell a copy of an e-mail he had sent in December.

Bob Simon has worked in construction in many cities, and his experience was that as long as the plans meet the criteria and regulations, and the zoning requirements, they cannot turn you down and must allow you to build.

- 2) **Brad Wolff, 1140 Summerlake Drive:** He asked if there was ever a public hearing regarding the Dollar General property where citizens would have been able to speak. There was a public hearing when the property was annexed. Ms. Weber said during the public hearing process, for example when the zoning for the Dollar General was changed to Highway Commercial, there would have been signs posted on the property for at least 14 days in advance, advertising the public hearing and the reason for the hearing. Once the zoning was changed, the signs came down, probably before many of the Summerlake residents purchased their lots. Once zoning is changed, there is nothing that P&Z or Council can do to prevent a development as long as it fits within the permitted use of that zone. Mr. Wolff said part of the problem was that each time they came to the city with questions or concerns they were told that the city's hands were tied. Bob Simon said they do care about all the citizens in Alexandria, but once the site plan was submitted, approved, and all the criteria met, the city can't do anything about it. Ms. Weber asked Mr. Duncan to look at the process and maybe make suggestions on how to improve.

### **ORDINANCES & RESOLUTIONS:**

None

### **DEPARTMENT REPORTS:**

**Police Department:** Chief Ward said the PD has joined with the Campbell County Consolidated Dispatch Center as well as other cities and agencies in a grant to replace some of the older radios to

meet federal FCC mandates. The PD will receive about \$12,000 in radio equipment (16 new radios). There was a match of \$329, but he has negotiated the prices of the radios and hopes that it won't cost the city any money. Chief Ward publically thanked Director Dale Edmundson from Campbell County Consolidated Dispatch Center, who worked hard to obtain the grant.

Also, the 11 new VIPs will be graduating next Thursday at 7:30 p.m. He invited council to attend.

**Public Works Committee:** Dave Hart reported the committee met this evening. He asked council to support sending Acorn Ct., Oakwood Drive, Trapp Court, Paul Lane, and Lakeside Drive out to bid. He explained it is a variation from the street study, but this is to take advantage of situations that will help the City defray a little bit of the cost.

Mayor Rachford said the changes were made because the Northern Kentucky Water District will be working on some of the streets.

**MOTION:** Scott Fleckinger made a motion to put out to bid the streets listed by Mr. Hart, seconded by Bob Simon. All in favor, the motion passed 5-0-0.

**Beautification Committee:** Bob Simon reported the committee met tonight. He will be picking up the \$500 grant check from the Campbell County Conservation District at a dinner on Thursday, March 15<sup>th</sup>. He has also applied for another grant, but has not heard anything yet.

The bulbs that were planted in the Fall by Barb Weber, Mary Ann Seibert, and Patsy Smith are starting to sprout along Washington Street.

#### **OLD BUSINESS:**

Bob Simon wanted to thank former Chairperson Karen Minshall for all the work that she had done with the Park & Recreation Board for the past 6-7 years.

#### **NEW BUSINESS:**

None

#### **COMMUNICATIONS:**

City Officials Academy will be held on April 26 and 27 in Louisville by the Kentucky League of Cities. This is a follow-up to the Academy for those council members who attended last year. If anyone is interested, please let the Mayor know before March 15<sup>th</sup>. Dave Hart, Bob Simon, and Barb Weber are all interested. Scott Fleckinger and Joe Anderson need to check their schedules first and then will let the Mayor know.

Campbell County Spring Cleanup is March 30, 31 and April 1. Shred Day is April 28<sup>th</sup>.

The Christmas In Alexandria Committee has had numerous meetings. There is a lot of interest from businesses, schools, and churches. If you have any interest in being involved and in volunteering for this, please let the Mayor know. They are in the process of putting together a brochure to start the fundraising.

Over 200 people attended the Rand Paul Town Hall meeting that was held at the Community Center last Friday. It was sponsored by the Northern Kentucky Tea Party. Mayor Rachford thanked Bob Ross for assistance with the public address system, Ron Heiert from Bishop Brossart High School, and Chief Ward for being the Senator's driver.

Mayor Rachford read a letter from a GED graduate thanking the City for sponsoring this program.

**ADJOURNMENT:**

**MOTION:** Scott Fleckinger made a motion to adjourn, seconded by Bob Simon. All in favor, the motion passed with a 5-0-0 vote. Meeting adjourned at 7:42 p.m.



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Karen M. Barto  
City Clerk/Treasurer

Date: 3-16-2012

Approved: 3-15-2012



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William T. Rachford, Jr.  
Mayor

Date: 3-16-2012