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

Council Members:
- Barbara Weber Present
- Stacey Graus Present
- Joe Anderson Present
- Bob Simon Present
- Andy Schabell Absent
- Scott Fleckinger Present

Also present:
- Karen Barto City Clerk/Treasurer
- Mike Ward Police Chief
- Mark Brueggemann City Engineer
- Ron Johnson Planning & Zoning
- Mike Duncan City Attorney
- Sam Trapp Pub. Works Supt.
- Dave Hart Planning & Zoning Chair

PUBLIC HEARING:
A public hearing to hear and collect evidence, and for reviewing and receiving public comment regarding the application of James Newman for a Zoning Map Amendment to re-zone real estate at 11 Sunset Drive, (Lot #6 of Fair Acres Subdivision), from Residential One D (R-1D) to Highway Commercial (HC).

Mayor Rachford opened the Public Hearing at 7:00 p.m.

Mr. Duncan explained that this public hearing is for City Council to consider a zoning map amendment filed by James Newman for 11 Sunset Drive. The Planning Commission held a public hearing, collected evidence and made a recommendation to Council in favor of rezoning the property to Highway Commercial along with a Development Plan that would be bound to the zone change. The City was notified that not everyone who might have wanted to attend that public hearing was aware of it, so Council decided that they would have an additional public hearing to hear all of the evidence to make a decision.

P&Z’s decision was based on the application being consistent with the current adopted Comprehensive Plan which calls for future land use along US27 to be commercial or office.

Council will have a deadline of 90 days from the time that the Planning Commission held its public hearing on Feb. 18th. They are not free to go out and speak to others after the meeting. This is a due process, trial-type hearing and council is bound by law to make a decision based upon the record.

1. Jim Newman (applicant), 61 Harrison Avenue, Melbourne: He purchased the lot at 11 Sunset to use as a parking lot. People complain there would be less street parking, but there will actually be more if this was a parking lot. He is requesting the property be rezoned to allow for a parking lot, as shown on the plan.

Mr. Duncan said at P&Z’s public hearing some were concerned that once the lot was rezoned, Mr. Newman would try to sell it off to be used for another purpose. Mr. Duncan then asked if he would be agreeable to join the two lots into one piece of property, to which Mr. Newman said absolutely.

Mayor Rachford said the Development Plan shows 14 parking spaces and 17-18 Norway Spruce trees as landscaping around the edge of the lot, drainage in the back, and shrubs on either side of the entrance in the front.

Ms. Weber referred to the minutes from the March 6 council meeting where Mr. Schabell asked what would happen if the parcel was rezoned and joined to the other parcel, then sold and the building
demolished. The response was another structure could only be built after another P&Z public hearing to have a change in the Development Plan and approval from council. Mr. Duncan had explained the property has a condition attached subject to a submitted Development Plan. She is confused because the February 18th P&Z minutes show a remark from Mr. Duncan: "If this property is rezoned subject to this plan, the current or future owner could put a building on that property without coming back in front of this board." Mr. Duncan said there is a word missing, it should say "could not put a building . . ." Dave Hart, Chairman of P&Z, will arrange to re-visit those minutes to make that correction.

Mr. Newman was unclear about what the next step would be. He was told he would have to go back to P&Z. Mr. Brueggemann explained that assuming Mr. Newman gets approval for the zone change the next step would be to submit the Improvement Plan for the actual construction. A Development Plan was submitted along with the zone change, which is conceptual in nature and not the final construction drawings.

2. Chris Young, 10 Sunset: Mr. Young had a petition signed by some of the property owners on the street who believe this is not a good idea. He doesn’t think the owner has any intention to build a parking lot, but wants it rezoned and then he will sit on the property until the building is sold. Mr. Young has lived on Sunset for 8 years and there has not been much maintenance on that building since that time. He doesn’t believe the owner is willing to pay money to build a parking lot that has not been needed so far. If a parking lot was built, they would not only lose the 2-3 parking spaces on the street, but he wonders about the upkeep of the lot, and whether it would turn into a hangout for kids at night. He bought his house when someone lived in the house at 11 Sunset, and he thinks it would destroy property values. He wants it to stay a residential lot.

Mr. Graus asked Mr. Young what he thought the use should be for that lot. Mr. Young said he wants it to stay a residential lot for a house or a duplex. Mr. Graus noted the width of the lot is 70 feet.

3. Kim (Caldwell) Vanylia, 15 Sunset: She lives next door to 11 Sunset. Her biggest concern is safety for the kids on the street, as a parking lot would bring more traffic. She is also worried about the value of her property going down. In the summertime, there is a lot of noise and it would get worse with a larger parking lot. She wondered about the water runoff draining into her yard and causing problems with her foundation. She has not had a chance to view the submitted plan, but is opposed to the parking lot.

Mayor Rachford said there is a drainage system at the back center of the lot that would drain the water away from her property.

Mr. Young then asked whether the ordinance would still "hold water" when the two lots were legally joined. He was assured by Council that it would. The lot dimensions would be incorporated into the existing deed per the zone change.

4. Bill McGowan, 16 Sunset: He has lived at this address for 13 years, and the house on that lot was dilapidated. However, he has never been approached about any parking issues, so the idea of having a parking lot does not make any sense. He agrees with Mr. Young about the lack of upkeep on the property. He believes the owner just wants to join the two lots and then sell it off as commercial property. Had he known what the lot sold for, he would have bought it and left it set as is. He agrees with Ms. Vanylia’s regarding safety.

Ms. Weber understands that once it is zoned Highway Commercial, this lot has to stay a parking lot unless the owner comes back before P&Z and submits a different plan. Mr. Duncan added he would also have to be subjected to an additional public hearing. Ms. Weber then asked if the lot was rezoned Highway Commercial, then later sold as HC, the new owner could not use the back section for anything other than a parking lot. Mr. Duncan explained once the zone change is done with that condition, any new owner would be bound by that plan.
Ms. Weber then asked Mr. Duncan to explain the “red line” on the Comprehensive Plan. Mr. Duncan explained once every five years the Planning Commission looks at the current Comprehensive Plan to determine if it is valid for the future development of the city. There is then a written document that has maps and is a 20-year plan to anticipate future development of the city. At some time during the life of the plan, this corridor along US27 would be developed or re-developed according to commercial or office (marked in red on the Comprehensive Plan). In this area, the swath of red goes back about 300 feet from the edge of the pavement on that side of the road. Mr. Duncan added in order for a zone change, City Council must make one of the three potential findings listed below:

1. It be consistent with the adopted Comprehensive Plan
2. That the property is zoned wrong and the proposed zone is correct
3. If there have been major changes of an economic, social-type nature that would render the Comprehensive Plan futile.

Mr. Brueggemann then explained the plan shows a parking lot of 14 spaces, asphalt or concrete, curbs for controlling storm water runoff, a catch basin to pick up the water from the parking lot and piping it to a proposed storm water detention facility to control the rate of runoff. The plan also indicates a retaining wall along the west edge of the parking lot that will vary in height from 5-1/2 or 6 feet at its highest point and then taper to almost nothing, landscaping to meet the requirements of the HC zone, and lighting as required by the Zoning Code done in such a manner that there would be no glare onto the adjacent residential zone.

Ms. Weber asked Mr. Newman what his time frame is for construction of the parking lot if the zone change is approved. Mr. Newman said probably not for at least another year. Mr. Anderson asked if putting in a parking lot on the property is his only intention, to which Mr. Newman said yes.

5. Cassandra Kramer, 20 Sunset: What does the owner gain from a parking lot, as Parkview doesn’t really require more parking?

Mr. Newman answered it would be an improvement to the store. He isn’t sure how much longer the grocery store is going to be there and another business might need additional parking. It also seemed like a good investment to him.

Ms. Weber stated many rezoning applications along the US27 corridor that connect with established side streets are problematic at best. City council has to listen to the voices of the citizens and take into the consideration the request of the applicants.

Mayor Rachford then closed the public hearing at 7:44 p.m.

Ms. Weber asked Mr. Duncan to advise what council’s legal requirements are. Mr. Duncan explained the application is made to the City, and the initial requirement was for P&Z to hold a public hearing and make a recommendation, which they did. Council then had a public hearing to gather additional evidence and comment and now has until mid-May to decide. If nothing is decided within the 90 days, the law states the zone change goes into effect automatically. If they wish to approve the zone change, then the ordinance would be adopted to put it into effect. If council wishes to override the decision of the Planning Commission and deny the zone change, it requires an affirmative majority of the entire council (4 votes to go against P&Z to deny the zone change). If no action is taken by mid-May (the 90 days), then the zone change would go into effect automatically. Mr. Duncan encouraged Council to vote on it, because if no vote is taken, then the owner would not be required to consolidate those two lots.

MOTION: Stacey Graus made a motion to table this matter (ORD2014-06) since Mr. Schabell is not present, and to give everyone time to reflect on this matter before making a decision. The motion was seconded by Barbara Weber. All in favor, the motion passed 5-0-0
CITY COUNCIL MEETING

Mayor Rachford read the invocation and led the pledge to the flag.

APPROVAL OF MINUTES: March 20, 2014

MOTION: Stacey Graus made a motion to approve the minutes of the March 20, 2014 meeting with one correction (p. 2, Motion to table ORD2014-07 was seconded by Scott Fleckinger, not Andy Schabell), seconded by Scott Fleckinger. All in favor, the motion passed 4-0-1 with Bob Simon abstaining.

VISITORS & GUESTS:

Wil Schroeder, Wilder, KY: Kentucky State Senator Katie Stine is retiring, and he is a Republican candidate for that seat. He currently works with law enforcement as a felony prosecutor. Heroin is an important issue he would like to work on in Frankfort. In the past few years, he has seen the penalties for trafficking drugs become a lot softer, and if he is elected, he would change this. He would also advocate for more treatment money in this region.

ORDINANCES & RESOLUTIONS:

Second Reading:
ORD2014-06: Tabled until the next meeting.

Mr. Duncan read the following:

First Reading:
ORD2014-08: Amending the City Code of Ordinances in order to adopt a fee schedule for electrical inspections.

Mr. Duncan explained we recently adopted amendments KRS 198(b).060 (building inspection and housing statutes) which requires the city to contract directly with an electrical inspector. The city has contracted with Electric Inspection Bureau, Steve Helmer, and another amended statute, 227.480, requires the City to adopt its own fee schedule for electrical inspections, and that fee schedule is attached to this Ordinance.

MO2014-07: Appointing and approving Marc Barone to fill the unexpired term of Ken Sanker on the City of Alexandria Code Enforcement Board for the remainder of his full three-year term to expire on December 31, 2014, or as soon as his successor is appointed, approved, is qualified and sworn in.

MOTION: Scott Fleckinger made a motion to adopt MO2014-07, seconded by Bob Simon. All in favor, the motion passed 5-0-0.

DEPARTMENT REPORTS:

Alexandria Fire Department: Mayor Rachford publicly congratulated Chief Pohlman on his Shriner Leadership Award.

Public Works Committee: They met tonight to discuss potholes, street repair, and street projects. Mr. Simon asked council to approve the 2014 street program so Sam Trapp can go out for bids. This year's street program includes Greenup Street, Enzweiler Road, Wright Court, Redbud Lane, Jefferson Street (North & South), and Elmwood Court, estimated to cost $383,000.
MOTION: Stacey Graus made a motion to approve the recommendations made by the Public Works Committee, seconded by Scott Fleckinger. All in favor, the motion passed 5-0-0.

NEW BUSINESS: None

OLD BUSINESS:

Update on Mobile Food Unit Ordinance – Mr. Duncan, Karen Baro and Carol Hofstetter met this week to redo the ordinance regarding Mobile Food Units. Karen pointed out some inconsistencies and confusion in our Peddler and Solicitor's Ordinance as they exist now, so we are looking into fixing this matter before the food truck ordinance is added. Also, Carol Hofstetter pointed out there are areas of the Zoning Ordinance that need to be amended once this is enacted - there is not a permitted use in commercial zones for food trucks, and generally all business is to be done indoors, with a few exceptions. Mr. Duncan is working on this ordinance, but he would like to get everything worked out before presenting it for a vote. It will not be ready for the next council meeting, but soon.

Update on Demo of Property at 8339 E. Main St. – The owners are working in conjunction with the building inspector to clear out debris and are getting drawings to apply for a new building permit.

COMMUNICATIONS:

Mayor Rachford congratulated Campbell County High School Boys' Basketball Team for making it to the Sweet 16.

- April 5th from 10:00 a.m. – Noon - Coffee with the Mayor
- April 11-13: Campbell County Spring Clean-Up
- April 19, 9:00 a.m.-1:00 p.m. at the DAV, Cold Spring - Campbell County Shred Day
- May 4th, 10:00-2:00 - E-Scrap Event at the Newport Pavilion
- May 15th, 6:00-7:30 - Town Hall meeting with Congressman Massie at the Community Center

Joe Anderson asked if any progress was made on the burned house at the end of Panorama. Mayor Rachford heard the property was sold, and the new owner is working with the Building Inspector and the Zoning Administrator.

ADJOURNMENT:

MOTION: Scott Fleckinger made a motion to adjourn, seconded by Joe Anderson. All in favor, the motion passed with a 5-0-0 vote. Meeting adjourned at 8:04 p.m.

Karen M. Baro  
City Clerk/Treasurer  
Date: 4/14/14

William T. Rachford, Jr.  
Mayor  
Date: 4/29/2014

Approved: APRIL 17, 2014