

## Cold Spring City Council September 24, 2007

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

Mayor Stoeber pointed out the exits as required by Fire Department regulations.

Mayor Stoeber stated that on the agenda, under new business, he is replacing the P & Z liaison report, which will be covered in the departmental reports, with the Halloween discussion.

Rob Moore stated that the September winners for the Yard of the Month were Ike and Christa Palmer of 9 Jude Pointe. A Yard of the Month sign has been placed in their yard, and they will receive a plaque from the city and a gift donation from the Cold Spring Home Depot Store.

Mayor Stoeber stated that the Fishing Derby was a success, thanks to the Police Department and the Central Campbell Fire District. Also, thanks go to the Stables Restaurant for allowing us the use of their lake. Special thanks to Officer Les Caudill for organizing the event. All of the children had a great time and each received a gift.

Day in the Park will be held at our Municipal Grounds in front of the City Building on Sunday, October 7<sup>th</sup>, from noon until 4:00 pm. There will be many activities, rides, and food available.

The city will have a Veteran's Day Ceremony in Cold Spring on Sunday, November 11<sup>th</sup>. The time will be announced at a later date. The DAV and the Newport Elks will participate in the ceremony.

Mayor Stoeber stated that the new Crossroads Elementary School has been open for approximately three weeks and there have been no traffic problems at this point. Police Chief Ed Burk is keeping a close eye on the situation on a regular basis.

Campbell County will have their Fall Cleanup Program on October 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>, from 8 am to 6 pm. All items can be dropped off at the Campbell County Police Station, Pendery Park, or the Campbell County Transportation Center. For additional information, call the city clerk's office.

A flag and pole will be drawn at the end of the meeting for any Cold Spring resident who stays for the entire meeting.

Minutes of the August 27<sup>th</sup> regular council meeting were reviewed by all. Charles Gray motioned for approval, and Lou Gerding seconded the motion. All were in favor. Motion carried. Minutes of the September 13<sup>th</sup> public hearing were reviewed by all. Rob Moore motioned for approval and Kathy Noel seconded the motion. All were in favor. Motion carried. Minutes of the September 13<sup>th</sup> special meeting were reviewed by all. Kathy Noel motioned for approval and Lou Gerding seconded the motion. All were in favor. Motion carried.

Mayor Stoeber stated that the city has been contracting with a Code Enforcement Officer who has worked very hard to keep our city looking good. He has decided to move on in different areas, and Mayor Stoeber introduced the new Code Enforcement Officer for the City of Cold Spring, Richard Weber. Mr. Weber addressed council and stated that he is a contractor who acts as code enforcement officer for several other cities. He is very happy to be here, and hopes to quickly learn our expectations and zoning codes which seem to be very similar to other cities' codes. Please phone the city office for any complaints or areas that you would like for him to check on. Dave Guidugli verified that the procedure will continue to be checking in with the city offices for any complaints, and going through sections of the city to spot any code violation issues. Lou Gerding stated that the Kentucky League of Cities does offer one day training seminars from time to time and Richard Weber stated that he would be happy to participate.

Sheila Bogen was present on behalf of Operation Hug. She stated our adopted unit is leaving for Iraq for a fifteen month deployment. Operation Hug is going to be selling Hillbilly Golf games for approximately \$45.00 per game, and most stores sell them for \$60.00. They will have one of these set up for Day in the Park for the kids to play. They will take orders and raise money for our trips. Packages will be shipped as soon as they are in position in Iraq. Please keep our soldiers in your thoughts and prayers. They appreciate all of the support of the Cold Spring residents. Mark Stoeber said that Operation Hug puts in a lot of effort collecting goods, and money to buy additional items or pay for postage. If you want to be involved please

call the city. We can use your hands, or your goods, or your money. Richard Weber asked if the city would consider tying yellow ribbons around our city trees for the soldiers and Sheila Bogen will check into this.

John Dunn, owner of the new Noble Roman's Pizza and Tuscano Sub introduced himself to council and said they would be opening in two weeks, and he invited council to the pre-opening. They will seat approximately sixty people, and there will be dine in, take out and delivery. They expect to be open from 11 am to 9 pm, maybe later on the weekend. They are very excited about working in the City of Cold Spring. The businesses in the Ken Perry building will compliment the city quite well. They are looking for employees and Stuart Oehrle suggested he contact the NKU Director of Student Housing or Career Development Center, Student Affairs.

Police Chief Ed Burk gave an update on his quarterly report. The Police Department tries to be pro-active and do things ahead of time before they become big issues. They applied for a grant and the State sent a check for \$10,100.00 which the city matches. This is for enforcement along AA Highway, US 27 and some of the other streets. If they are visible and present, it helps to reduce the number of accidents and keeps everyone safe. The AA enforcement blitz of several weeks ago was very successful. People are now lowering their speed and paying attention, due to the increased citations and increased presence of the many law enforcement agencies that participated.

Chief Burk reminded everyone that school is back in session. Please pay extra attention in the school zones and the flashing lights. Some children walk to and from school and do not pay attention as well as they should. Officers will be watching, especially in the school zone. Pay attention to the school buses, especially when they have their signs out. Slow down and stop. Our kids are a precious commodity and we want to make sure that they get home safely. If you go on vacation, Chief Burk said to let the department know and they will watch your house while you are gone. Also remember to call 911 for emergencies, Campbell County Dispatch center is 292-3622 for whatever you need, or the city at 441-6289.

Our new police officer, Benjamin Robb, is graduating from the academy next week, and he will be on the roads learning the city streets. Chief Burk encourages everyone in the city wave or stop and talk to Officer Robb. Our officers have new equipment, which are tasers and the officers are being trained in their use. They are an excellent way to de-escalate a situation without using force, it is safe with people and is a way to temporarily take care of certain situations, and helps our officers become more effective in their job. Chief Burk reminds everyone that if you see something that doesn't look right, call.

Mayor Stoeber verified that Benjamin Robb's training has been 18 weeks long. He will begin his field training program that lasts a minimum of fourteen weeks. This is the hardest part of the training. New officers ride with four different training officers, three do the training and the final officer does the evaluation. That is 32 weeks out of a 52 week year before an officer is actually put in a car by himself.

Council had received a draft of a job description for a public works supervisor position. Lou Gerding made a motion to **approve the creation of a public works supervisor position and related pay schedule**. Stuart Oehrle seconded the motion. Roll call vote showed all in favor. Motion carried.

Mayor Stoeber stated that during the state of the city presentation, council put together a strategic plan that takes us to the year 2015. We are now roughly 3 ½ years into that plan. Newspaper articles revealed areas that have grown very rapidly, and but have run into financial issues. We are taking an in-depth look at our strategic plan to make sure we are on course, particularly with the overall operations of the city. Mayor Stoeber assigned council to overview the Police Department, Administration Department, Finance Department and Public Works Department. All information will be available to council from those departments to account for every dollar of expense. This is a vital step for the well being of the city.

Trick or Treat date and times were discussed. Stuart Oehrle verified that last year, Halloween was celebrated on October 31<sup>st</sup> from 6:00 pm to 7:30 pm. We have the advantage this year of Daylight Savings still being in effect. It was agreed that **Trick or Treat would be held on Wednesday, October 31<sup>st</sup>, between 6:00 pm and 7:30 pm**.

**Ordinance 07-928 amending the speed limits within the Granite Spring Subdivision** was read in summary for the second time. This would set the speed limits in that area to match the overall city speed structure in subdivisions to 15 mph. Stuart Oehrle made a **motion to adopt** this ordinance and Kathy Noel seconded the motion. Roll call vote showed all were in favor. **Motion carried**.

**Ordinance 07-929 amending the Cold Spring Police Department Police and Policy Procedure Manual** was read in summary for the second time, updating the training reimbursement schedule for early employee termination/resignations.

Stuart Oehrle made a **motion to adopt this ordinance** and Rob Moore seconded the motion. Dave Guidugli questioned how we determine re-employment for the same service in another police department. He questioned if someone goes through our training, works for us for a year or two, then quits and takes five or six years off, does this still come into play. Ed Burk stated that nine times out of ten, the department they go to will come to us for an investigation. He stated that this policy is for someone who leaves the department and goes to some other law enforcement agency without a break in between. Roll call vote showed all were in favor. **Motion carried.**

**Ordinance 07-930, text amendment to the Cold Spring Zoning Ordinance deleting all current floodplain regulations and adding new floodplain regulations (FEMA) for a flood plain coordinator was read in summary form for the second time.** Mayor Stoeber stated that NKAPC would be assuming that responsibility. Dave Guidugli made a **motion to adopt this ordinance.** Kathy Noel seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

**Ordinance 07-931, to align city Sunday Liquor Ordinance with County Time Frames. was read in summary form for the second time.** Stuart Oehrle made a motion to adopt this ordinance, and Charles Gray seconded the motion. Stuart Oehrle questioned if this ordinance would be sent to all of the city businesses for clarification. Brandon Voelker stated that they are already aware of it. When they come in for their liquor licenses they will receive this. Roll call vote showed all were in favor. **Motion carried.**

**Ordinance 07-932, establishing the city's property tax, motor vehicle tax and tangible property tax, and establishing garbage collection fee was read in summary form for the second time.** Mayor Stoeber stated that we had a public hearing on these items, as well as a special meeting on September 13<sup>th</sup> for the first reading. Kathy Noel made a **motion to adopt this ordinance** and Lou Gerding seconded the motion. Lou Gerding verified for the record that the tax rate is going down from \$1.82 per thousand to \$1.62 per thousand, down 20¢ per thousand, and the waste is \$162.60 for the year. Roll call vote showed all in favor. **Motion carried.**

Next on the agenda was a **map amendment for approximate 6.4 acre area and on 4.5 acre area on Aqua Drive,** which is roughly near the intersection of Pooles Creek Road and US 27. This item was addressed by Planning & Zoning on Wednesday, August 8<sup>th</sup>. Mayor Stoeber stated that this is governed by Kentucky Revised Statutes. Council is not allowed to take input from the audience unless they request a public hearing. Additional testimony or information is not allowed unless it comes from NKAPC Staff or Attorney Brandon Voelker. What is charged before Council tonight is either to continue discussions of this particular item at a later time, or to accept P & Z recommendations without additional conditions, or to accept P & Z recommendations with additional conditions, or to deny P & Z recommendations. This body must act within ninety days from the August 8<sup>th</sup> Planning and Zoning meeting. If no action is taken within ninety days per KRS, the recommendation of P & Z becomes law.

Stuart Oehrle reviewed the P & Z motion that was made as written in their August 8 meeting minutes which recommended that the city approve the proposed map amendments subject to six conditions in the Staff report and the one additional condition by the P & Z Board. Stuart Oehrle questioned that additional condition and asked if they were talking about advertising on vehicles. Mike Schwartz of NKAPC stated that as he understood that condition, P & Z did not want to see any sale of vehicles, boats, mobile homes, or trailers that are visible and he understood that if they were inside the building they didn't have a problem with the sale of those kinds of equipment. Also the motion included a prohibition of eating places and hotels and motels, within Area A. They do not want to see a restaurant on the back end of the property.

Dave Guidugli confirmed that Area A and Area B actually touch each other, and asked if there was a specific reason that the applicant did not make Area B five acres so that it could be a free-standing professional office zone which would be better match for the office buildings on this lot. Mike Schwartz stated that the line between Area A and Area B is the center line of Aqua Drive. That line was used as a demarcation which seems to be a logical place between one zone change and another, and there was no land left to give to Area B. The remaining property is being retained by the Water District. Brandon Voelker stated that the requirement to make a stand alone zone change is five acres, and it could be less than five as long as it is contiguous to the adjoining zone. Dave Guidugli stated that because Area A is 6.4 and Area B is 4.5 acres, technically they could just move that line over and made one zone a six acre and the other a 5 acre.

Lou Gerding made a **motion to disapprove the proposed map amendments for both Areas A and B. The proposed map amendments for Area A and B are not consistent with the recommendations of the September 2005 comprehensive plan. The recommended land use map for the 2005 comprehensive plan identifies Area A for office use. To accomplish the objectives of this comprehensive plan, office uses have been designated primarily at four locations: one of them being identified at the terminus of Aqua Drive (area of the former Northern Kentucky Water District office). The recommend land use map of the 2005 comprehensive plan identifies Area B as a physically restrictive**

development area (PRDA). Per the NKAPC review, land in this category PRDA is generally characterized by physical conditions, which would be severely restrictive to any intensive urban type development. Any development of the areas designated "PRDA" should be a type of use that is compatible with the recommended land use of adjacent areas, unless sound basis can be shown for other land use types. Areas surrounding site B are designated on the comprehensive plan land use map for residential, commercial-office uses and PRDA, not HC or NC or retail or commercial retail or service. The proposed map amendments are not consistent with the goals and objectives of the September 2005 comprehensive plan. The proposed text amendment will not promote and strengthen the stability and well being of the city's neighborhoods. (The HC property will be adjacent to residential property of the Springhouse neighborhood). The proposed text amendments do not promote a well organized, land use development pattern that discourages piecemeal land use development. There have been no significant changes in this area since the adoption of the 2005 comprehensive plan. Mayor Stoeber clarified that the motion mentioned the word text amendment a couple of times and it should be referred to as map amendment. Lou Gerding said the Staff information referred to them both as text amendment and map amendments. Dave Guidugli seconded the motion.

Stuart Oehrle clarified that the original report given to P & Z regarding this proposed map amendment is for both Areas A & B. NKAPC Staff recommended approval subject to six conditions which Planning and Zoning approved, and they then added the one additional condition. Mike Schwartz felt that the map amendments were consistent with the transportation element which identified the need for a proposed local street, and this proposed application would facilitate that roadway. The two zoning districts were appropriate given the fact that the use of the property was already office with some automotive repair because of the maintenance of the Water District's vehicles, and they felt that the development plan met the conditions of the zoning ordinance except for those six conditions. Stuart Oehrle asked if this street was going to be added. Mike Schwartz stated that it was not going to be built, but an easement and grading were being provided with an engineering analysis. This could not be built in total because it would require crossing over to other properties that this applicant does not have control over. There are no existing easements at present on this property or the adjoining property owners for a future time. Stuart Oehrle verified that as of right now, this would go to the end of that property line and nothing after than. Mike Schwartz replied that adjoining property owner stated they were willing to cooperate to provide an additional easement.

Mike Schwartz stated that a motion to override the recommendation of P & Z takes a majority of the entire legislative body. Mayor Stoeber said that, under Kentucky Revised Statutes under map amendments, the mayor does not vote. It would be four to two to approve or deny. Dave Guidugli verified that you cannot break up the parcels. Brandon Voelker stated that technically it was two separate matters, but P & Z did it in one vote. Stuart Oehrle stated that we could discuss splitting this, but there is a motion on the floor to disapprove and has been seconded. We have to take action for the motion on the floor for Areas A and B. Mayor Stoeber stated that if the motion to deny is affirmed, there cannot be additional motions to go back and treat the parcels independently, because at that point it would be a denial of both parcels.

Lou Gerding questioned if the motion should be amended, from "text amendment" to "map amendment". Brandon Voelker stated that the motion basically went through the grounds set forth by KRS required of a finding of a zone map amendment and each of those were addressed. Lou Gerding and Mike Schwartz did work through it with an analysis consistent with KRS and provided ample reason to approve or disapprove.

Charles Gray questioned if the main problem was the proximity of the small section being adjacent to a residential section. Lou Gerding stated that in the P & Z minutes and Staff information, you can see that the comprehensive plan of this map showed property Area A as professional office. Staff made a mistake in their report and said it was not recommended in the comprehensive plan. In their report it said it was a different use. The use set up by the comprehensive plan in 2005 stated that it was professional office, and it specifically stated that parcel. Stuart Oehrle verified that the P & Z August minutes have been approved at their September meeting. Brandon Voelker stated that the existing use of the Water District property, is non-conforming. Anybody who uses that property in the same manner as they do now is okay to do so. It is when you seek to expand it, an expansion of a non-conforming use cannot occur.

Mayor Stoeber stated that a "yes" vote is affirmation of the denial, and must be a majority vote. Roll call vote showed four yeses and two noes – Charles Gray and Rob Moore. **Motion carried.**

**Ordinance 07-934, text amendment to the Cold Spring Zoning Ordinance requiring Roofs within the SDA zone to be built to a minimum pitch of 3:12 was read in summary form for the first time.** Dave Guidugli made a **motion to approve**, and Kathy Noel seconded the motion. Rob Moore asked if this affected any development already started in the city and if it will make them change anything. Brandon Voelker stated that if they already applied and received their permit, they are good to go. This ordinance just clarifies what is flat versus pitched. Roll call vote showed all were in favor. **Motion carried.**

Mayor Stoeber thanked Ed Burk for his quarterly report. Ed Burk stated that Benjamin Robb graduates from the academy on October 5<sup>th</sup>.

Mayor Stoeber stated that Public Works has been very busy watering trees in the parks and are completing the construction on Cedar Point and doing some painting on the city buildings as well as a variety of other work. Stuart Oehrle commended Mark Tumler, Public Works, on his retirement from the military.

Kathy Noel, P & Z Liaison for September, stated that NKAPC will review the ownership of Plaza Drive, and the property next to Campbell County Auto Body is still under review.

Kathy Noel stated that in the Park Board minutes, Nancy Bay presented a recap of the results of the Cruise In/Concert and asked if Council could receive a copy of that.

Stuart Oehrle requested updates on Operation Hug that he could include on the city web page.

Dave Guidugli said they received a letter requesting help for the KLC Convention. He made a motion that we send \$250.00 to help pay for the KLC Convention, and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

Brandon Voelker said he met with the architect, the head of maintenance of the schools and the builder for the new school. They did get the new concrete poured for the sidewalks. They took a video of the roadway before they started to build. As you go around the turn, there is a curve in the road. The crew that put the curb in did not realize that when a road has a curve to it you have to curve the curb and they put a straight one. They are having it ripped out and put back correctly. That will be fixed, the sidewalks are back, and the hole on the apron will be poured in. Lou Gerding said there are still some holes in different parts of the sidewalks. Mayor Stoeber thanked Brandon Voelker for taking the time out of his day for checking it out.

Mayor Stoeber asked everyone to please support Operation Hug in anyway you can...hands, goods, or money. Come out for Day in the Park on October 7<sup>th</sup> which is always a great time.

The flag and pole were awarded to Sheila and Paul Bogen of 2 Andrew Circle.

Stuart Oehrle made a **motion to go into Executive Session per KRS 61.810, C (Litigation)**, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

**Motion to return to regular session** was made by Dave Guidugli and was seconded by Rob Moore. All were in favor. Motion carried. No action was taken during Executive Session.

Charles Gray made a motion to adjourn. Stuart Oehrle seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**