

Cold Spring City Council October 28, 2013

The regular meeting of the Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag and prayer was led by the City Clerk. Roll call showed the following council members present – Lisa Cavanaugh, Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel, and Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor and Attorney Brandon Voelker,

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

Items of interest to the community were reviewed. Cold Spring will hold Trick or Treat on Thursday, October 31st, between the hours of 6:00 and 7:30 pm. Please be very cautious and extra careful because of all of the children on the streets. There is a household hazardous waste collection event on Saturday, November 2nd from 9 am to 2 pm at the Florence Freedom Center. You do need to register. Phone the city clerk's office for additional information. On Sunday, November 10th, the city will have the annual celebration of Veteran's Day which will be held at Municipal Park at the Veteran's Memorial.

There will be a drawing for an American flag and pole for a resident staying until the end of this meeting.

The minutes of the September 23, 2013 regular council meeting were reviewed by all. Lou Gerding made a motion for approval and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

The minutes of the September 30, 2013 special council meeting were reviewed by all. Lou Gerding made a motion for approval and Dave Guidugli seconded the motion. All were in favor. Motion carried.

There were no scheduled guests.

Unscheduled guests were invited to step forward.

Bob Oswald, Sabre Drive addressed Council. He stated that he moved to the city about a year ago. He has been in communication with Councilwoman Lisa Cavanaugh and she takes an active part with this council and communicates with the residents which he highly appreciates. He hasn't heard from everyone else but is sure he will during the next election period. He would like to become more involved with the city. He loves the community and Cold Spring.

Theresa Cooper, Villagegreen Drive addressed Council. She had questions about the noise ordinance. She stated that she has phoned Campbell County Dispatch several times over the past few months regarding the noise at Frisch's, usually on Tuesdays between the hours of 12:30 am to 3:00 am. For several years they have had a carpet cleaning company that comes in during those hours once or twice a month. Last week they have now added pressure washing during those hours and it is very loud. She bought the house because of the screened in porch which she likes to take advantage of late at night, but she can't because of the noise. Last week Lieutenant Wayne Hall responded and he was wonderful. The problem is that the officers are not always telling the workers to stop. She said she spoke to a manager directly and was told that they had multiple calls that night, but she would have to contact corporate about this. Ms. Cooper asks that, as her city council, would someone from the city please contact corporate regarding this issue. She also asked what the penalties were for violating the noise ordinance to deter this from constantly happening. She asked if this same ordinance was in effect for both residential and commercial. If she is not allowed to go out and power wash at 3 am, then they shouldn't be allowed either.

Mayor Stoeber stated that we have had these issues before with Frisch's which ebbs and tides with the lack of relationship with their neighbors. It is usually the late night cleaning, and while there is no excuse, he is pretty sure that they rotate through managers so the imperativeness of this situation slides. The same ordinance is in effect for both residential and businesses. He will have an officer there next Tuesday who will advise them to stop because they are in violation of the noise ordinance. Mayor Stoeber stated the he will contact Frisch's corporate directly and get this stopped.

Brandon Voelker stated that our noise ordinance is between the hours of 10:30 pm and 7:00 am. They could be fined up to \$500 for violating this ordinance. It would be a civil fine that would go through our Code Enforcement Board and not the Courts who don't necessarily like to enforce municipal ordinances. The Code Enforcement Board enables us to be our own policing authority for issues such as this. Chief Burk is the code enforcement officer and he could issue fines to Frisch's and if they don't respond he can issue additional fines.

Chief Ed Burk stated that he has spoken to the people at corporate several times and he questioned Ms. Cooper if it was quieter this summer with the exception of the power washing. Ms. Cooper said it was not in the least, and she questioned why they have not been fined already. Chief Burk stated that we try to work with people and encourage them to comply, but if all else fails, they will be fined if they continue to violate our ordinance. Mayor Stoeber assured Ms. Cooper that at the next offense, they will be fined.

Councilman Lou Gerding added that before Frisch's went into that spot, at the time there was a lawsuit and at the deposition the Frisch's people assured the city that noise would never be a problem at that restaurant. Adam Sandfoss requested that we put this as a follow up issue on the caucus agenda and after contact, see what the game plan is from both sides so this will not fall through the cracks. Mayor Stoeber also suggested inviting the manager of Frisch's to a council meeting. If anything it will stimulate a conversation.

There were no old business items for discussion.

Municipal Order 13-02 was read, re-appointing Ken Geiman to the Code Enforcement Board and Peggy Guidugli to the Parks, Recreation, and Tree Commission for four year terms. Rob Moore made a motion for approval and Lou Gerding seconded the motion. All were in favor. **Motion carried.**

The next item on the agenda was new e-mail and voicemail. Lisa Cavanaugh stated that we should let everyone know that we now have this type communication. She stated that it was just in the newsletter but no mention was made at our council meeting regarding this. She added that personally, if you would like your privacy and confidentiality, you can contact her by e-mailing her at the .gov address or on her voicemail, leave your name and phone number and she will get back to you with her personal information. If you leave your information on the city voicemail that is fine but chances are that it might not be kept private.

Mayor Stoeber stated that the city e-mails are the councilpersons first name, dot, first letter of the last name, @coldspringky.gov for example, lou.g@coldspringky.gov. In order to access council voicemail during business hours the city can transfer you to that extension or after hours you just key in their extension number and the greeting will identify them. If you leave a voicemail message, as soon as you hang up the phone that voicemail will be converted and go to their i-pads. Lisa Cavanaugh questioned if these extensions were now working. Steve Taylor related that we had a server crash which we can't predict. On Friday we had the server rebuilt and the voicemails were re-established and tested. Lou Gerding stated that he has received several e-mails and his voicemail seems to be working fine.

The next item was Day in the Park, leftover items. Lisa Cavanaugh questioned that, since Day in the Park was cancelled due to the weather, what was going to happen to the leftover items and how were they going to be distributed or used. Rob Moore, Park Board liaison, stated that a portion of the buns were donated and taken to Hosea House. Lou Gerding stated that Hosea House was very grateful for that donation. Park Board member Peggy Guidugli was in the audience and stated the hot dogs were frozen and will be re-used at other events. The candy that was themed for Halloween was given to the police department to be distributed for trick or treat, but the remainder of the candy will be re-used for the Visit with Santa event. She stated that e-mails were sent out regarding this. Mayor Stoeber stated that the e-mail was sent to him on October 7th and on October 8th he sent it to all of council asking for feedback on what to do with the various items. Lisa Cavanaugh stated that she did not receive this e-mail which is why she did not know how the items were to be distributed.

Mayor Stoeber stated that we were able to freeze all of the hotdogs, and we had freezer availability for half of the buns, but that is all that we needed for the Visit with Santa event in December. That left 500 to 600 buns. He also received a legal opinion from counsel which verified that we could donate these. His feedback from council stated they agreed and it was suggested that we sort out the candy that was Halloween related and give it to the police department because they always hand out candy for trick or treat. Based on some further e-mail correspondence, the police department returned that candy to the city to wait for a final approval for the use of such. At this point in the meeting, council agreed that it was okay for the police department to distribute this candy on Halloween.

Lisa Cavanaugh stated that she did not receive Mayor Stoeber's e-mail but after Steve Taylor adjusted some settings to her i-pad tonight, she just checked and sees that she has 45 messages in her inbox.

Rob Moore questioned Park Board member Peggy Guidugli on how the leftovers from events were handled in the past. Perhaps this is the time to address these issues. Peggy Guidugli stated that in the past, the candy was all given to one Day Care Center and no one else. Since the money came out of the city's Park Board budget, the Park Board agreed that it should be given to the police department. She doesn't know what happen to food items in the past. Rob Moore verified that she was comfortable

with the moves they made tonight and feedback so they will know what to do from now on. Peggy Guidugli stated that it is just common sense to do what they did.

Lisa Cavanaugh stated that she just wanted to make sure that everything was in order because of past issues and false accusations about misuse of city properties, including having been given permission to use the copy machine and then having a memo sent out to council regarding the legalities and technicalities of using city property. She thinks it was great giving the candy to the police department and has no issues with that. She just wants to make sure that everything is accounted for.

There were no follow up citizens comments.

Department reports were submitted in writing and reviewed.

Lisa Cavanaugh questioned if Chief Burk contacted anyone from the State regarding the shrubs along Alexandria Pike at the turn lane near Tire Discounters. Chief Burk stated he had not. That is part of the area which he had requested the State to trim and cut back for quite some time, not only on that side of the road but the other side of the road as well, along with other maintenance issues.

The State had been issued fines and cited in the past. Brandon Voelker stated that there is hierarchy with the State and that we are below county on maintenance issues. After the State received the code enforcement citations, their counsel phoned him and more or less told him that we couldn't tell them what to do and they would not be paying the citations.

Councilwoman Cavanaugh stated that it is too bad because it is a safety issue. You cannot walk on the other side of the curb so people including kids are walking or riding their bikes in the turn lane. There is a bus stop there too. She stated that if the city contacts them again she would like to receive a copy of that correspondence. Brandon Voelker stated that they have no resources at District 6 to do this work, and that it would be a better idea for residents to contact their state senator or representative. We have dealt with issues like this with the State regarding the park and ride and we are not going to get anywhere with District 6.

Lisa Cavanaugh questioned if there was any way that the city public works could do some of this trimming. It shouldn't be much to whack away some weeds. Brandon Voelker stated that it is not our property. Lisa Cavanaugh questioned if we could get permission from the State. If they don't want to do it, we can ask if we could because we have to think about the safety of residents who are walking in the turn lane. Brandon Voelker stated that there are issues regarding expectations and maintaining state right of ways that are not our property. We have been through this with the state before and their time frame is a lot slower than the city enjoys. They will tell you that they have fewer resources than the city does and we are much more aggressive in our maintenance schedule. Lisa Cavanaugh stated that with winter coming there might not be as many residents walking in that area now, but looking ahead for next year some kind of legality or technicality should be done.

Mayor Stoeber thanked all Park Board members for their hard work this year and thanked Peggy Guidugli for accepting re-appointment. Lisa Cavanaugh questioned if there were openings on the Park Board. Mayor Stoeber stated that he believes that there are two positions open. He has been in contact with two people and they are considering the option right now.

Lisa Cavanaugh questioned if Steve Taylor applied for the grant for the sidewalk. Steve Taylor stated that he had not, since he had no feedback from e-mails that he sent to council regarding this.

Resident Joyce Kinnett was the winner of the American flag and pole at this meeting.

Lou Gerding made a motion to adjourn the October 28, 2013 council meeting, and Rob Moore seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: