

## Cold Spring City Council February 23, 2015

The regular meeting of the Cold Spring City Council was called to order by Mayor Nancy Bay. Pledge to the flag and prayer 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 Attorney Cameron Blau, Acting Police Chief Wayne Hall, Public Works Supervisor Dave Rodgers, and City Clerk Rita Seger.

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

Adam Sandfoss requested one addition to the agenda - discussion on dismissal of Cold Spring Police Chief Ed Burk. It will be added under agenda item 10. F.

The minutes of the January 26, 2015 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.

There were no scheduled or unscheduled guests or old business.

CPA John Chamberlin of Van Gorder, Walker & Co. addressed council. His firm handled the city audit work for the fiscal year ending June 30, 2014 and he thanked city staff for their assistance. He provided council with a copy of the audit report, the slide presentation, and an audit letter required by their profession, which is a chance for them to report issues they may have had with management, taking into account aggressive accounting positions or making egregious estimates. For Cold Spring they don't have anything like that to report. Management has been very helpful and forthright in giving them information. They made two small audit adjustments that are in the letter.

Mr. Chamberlin reviewed the slide presentation, showing the auditors opinion and financial position of the City of Cold Spring as of June 30, 2014. The city has received an unmodified opinion which is the highest opinion that they give. There were no material weaknesses or deficiencies in internal controls. The city was in compliance with all laws, grant agreements and bond covenants. He reported that for the last several years total assets and cash have increased, and you can see the liability comparison across time with the long term liabilities stepping down for the bond agreements/covenants, as they expected. The total debt decreased by approximately \$180,000 last year. Operating revenues exceeded operating expenditures. Revenues are starting to increase slightly after they dipped in 2010/2011. Even though the revenues increased the expenditures have remained relatively flat and he applauds the city for maintaining relatively flat expenditures even though the revenues have gone up. On expenditures by department for all of the governmental funds, the police by far are the largest expenditure, then general government and public works. The slides show year by year comparisons by the major departments, the amount extended by department, and the increase or decrease by department. The public works number tends to jump around, depending on the type of work done such as blacktop instead of a concrete street replacement. The same thing applies with the capital outlay. The last slide is shows the debt services.

Mr. Chamberlin reviewed the financial statements. The first couple of pages contain the auditors opinion – independent auditors report which is an unmodified opinion, followed by pages showing the management discussions and analysis, which is an executive summary and for those who are new on council, he suggests reading through these pages for good and comparative information. The statement of net position is akin to a balance sheet where you see the cash and cash equivalencies, and investments in your strategic road fund. There are small amounts of receivables, pre-paids, and then capital assets, and net of depreciation. It shows that the total assets in the city are approximately \$12.6 million. The total liabilities are roughly \$2 million, so your assets minus your liabilities show the net position of approximately \$10.5 million. The balance sheet is broken down by the General Fund, the Municipal Aid Road Fund, and the Storm Water Fund. Next is the statement of revenues, expenditures and changes in fund balances. He encourages everyone to read through the notes to the financial statements. This also contains significant information about capital assets and how they are depreciated and how they are broken out into categories. There is information showing each piece of the long term debt, and what is due for the next couple years and the next five years. Each piece of debt is described differently so you have an understanding of what your debt is. There is a budgetary comparison schedule, budget to actual for the general fund, which shows your original budget, revisions, the final budget, and then the actual amount of revenues or expenditures for the city. The last column is a variance column. You are looking for are positive variances. If it shows a negative number those are budget line items that you may want to consider re-evaluating. The page showing the Municipal Aid Road Fund is the same setup. He reviewed the independent auditors report on internal compliance. That completes the audit report. Mr. Chamberlin invited questions. There were none. Mayor Bay stated that she appreciated his presentation and thanked him.

There were no unscheduled guests, or old business.

Mayor Bay stated that we have a number of items under new business.

**Ordinance 15-1013 was read in summary form for the second time, updating the police and policy procedures manual.** Lou Gerding made a **motion to adopt this ordinance** and Lisa Cavanaugh seconded motion. Roll call vote showed six yeses and no noes. **Motion carried.**

**Ordinance 15-1014 was read in summary form for the second time, repealing Ordinance 13-994 on the seating of council.** Lou Gerding made a **motion to adopt** this ordinance and Adam Sandfoss seconded motion. Brenda Helton requested that the date be changed on the bottom of the ordinance to show the first reading as January 26, 2015. Roll call vote showed six yeses and no noes. **Motion carried.**

**Resolution 15-01 was read, authorizing and approving any necessary expenditure for the zone map amendment of Paulena Drive from R-RE to R-1DD.** Attorney Blau reviewed this resolution and distributed to council a letter that Campbell County Planning & Zoning was mailing out to all of the residents of Paulena Drive. He explained that this area was annexed in 1988 and during that period of time they failed to make a zone change so that the property of the people on Paulena Drive is non-conforming to the rest of that entire subdivision. As a result, because of the setbacks required in that zone they couldn't put in pools, driveways or sheds etc. If re-zoned individually it would cost each resident over \$1,000, but it would cost the city only \$80 per hour, or a couple of hundred dollars to re-zone the entire area. Since it is not specifically enumerated in our budget, it will take a resolution to allow the mayor to go ahead and authorize payment for that. Then Planning and Zoning could move forward.

Lou Gerding stated that this letter seems to be a bit early, since it states a zone change from R-RE to R-1DD. After reading two months of the past Cold Spring Planning and Zoning meeting minutes, they have not recommended a zone yet. The January minutes show that when Ryan Hutchinson was questioned, he said he would recommend either an R-1C or an R-1D or an R-1DD zone when referring to these properties, and the February 11<sup>th</sup> minutes stated this R-RE zone could likely be an R-1DD zone, but it is the Cold Spring Planning and Zoning Commission who puts the zone on this, not this body or Campbell County Planning & Zoning. Cold Spring Planning and Zoning hasn't made that decision. It shouldn't yet say what zone it should go to. It should go through our normal procedures. Our Planning and Zoning gets recommendations from our Staff and then they make the decision. It is not for this body to make the recommendation and it is wrong for us to do so. Only three entities can petition for a map amendment, the property owner, the Cold Spring Planning and Zoning Board, or city council.

Cameron Blau agreed, but to actually file with Planning and Zoning for a map amendment there has to be a petitioner, and that would be the City of Cold Spring. The letter doesn't lock the city into that zone. That is the current proposal and it has language that indicates that it hasn't been approved as well. It is consistent with the entire area. Attorney Blau stated that he will speak to the Director Cindy Minter about the letter, but questioned how this will relate to the resolution, which will allow Planning & Zoning to move forward. You have to propose what the map amendment is going to be. This isn't a recommendation but a request. The resolution can be rephrased and resolved, and it is up to you how it should be re-phrased. Brenda Helton stated we should just delete the phrase in the resolution that reads "...from R-RE to R-1DD." Lou Gerding stated that he will be satisfied with that change. Council members agreed with that correction. Lou Gerding made a **motion to approve Resolution 15-01 for the City to sponsor the map amendment for Paulena Drive, deleting the phrase that reads "...from R-RE to R-1DD"**. Brenda Helton seconded the motion. So that there is no confusion after reading the minutes, Lou Gerding clarified that when Paulena Drive came into the city upon their request, the zone was not changed at that time because the property owners did not request the zone change. They just wanted into the city and wanted to keep the same zone that they had. All of the annexations that he has been involved with have been friendly annexations. They agreed to it at that time and now they are coming before us to request a zone change and he agrees that it is needed. The people in that zone could still replace a driveway they just could not expand it or do additions. Roll call vote showed six yeses and no noes. **Motion carried.**

**Resolution 15-02 was read, adopting and approving the execution of a contract between the City of Cold Spring and the Campbell County Fiscal Court for the City for general planning services on an as-needed basis.** Cameron Blau explained that Resolution R91-12 was signed on 8/15/12 by Steve Pendery and authorized by Cold Spring Administrative Officer Stephen Taylor which allowed the Campbell County Fiscal Court Planning & Zoning Staff to provide certain services to the city. Currently we have budgeted \$25,000 for the Comprehensive Plan, but unfortunately in Appendix A of that agreement there is nothing for general planning services that allows them to perform that work. Because of that, Planning and Zoning cannot go forward with the Comprehensive Plan. Resolution 15-02 will mirror the previous one but include wording that will allow Campbell County Planning & Zoning to perform these services. Cindy Minter would like to begin the Comprehensive Plan by March 22<sup>nd</sup>.

Lou Gerding stated that Council has not made the decision that Cindy Minter of Campbell County Planning & Zoning was going to do our Comprehensive Plan. We have not always chosen the planner that has represented the city at the time to do our Comprehensive Plan. That section wasn't included in there so that council could come back and decide who we are going to get, do some interviews, maybe go out for bids, find out what it is going to cost and who is the best person to do our Comprehensive Plan. Some of the city's Comprehensive Plans were done that cost the city a lot of extra money. Every city is unique, with their size, their people, businesses and infrastructure and sometimes we get a planner that thinks he/she is doing planning for a huge city and it can cost bundles of money. He is not saying that Cindy Minter is not that person to do this, since he doesn't know her, what her expertise is, or if she is used to working with small cities or has even done a Comprehensive Plan.

Brenda Helton stated that the resolution does state this is on an as needed basis, so if we decide to hire an independent planner for our Comprehensive Plan we just wouldn't use Campbell County Planning & Zoning. Cameron Blau stated that he was of the understanding that the city chose to go ahead with the Comprehensive Plan, that we budgeted for it and that Cold Spring Planning & Zoning had chosen to move forward with Cindy Minter's group. He will make sure that she does not go forward with this as planned on March 22<sup>nd</sup>. It will delay the process but it is not the end all. You don't have to use them for the Comprehensive Plan, but the resolution just gives you the option to use them. Lou Gerding stated that a good starting point for him is if she would send in her credentials, show her experience, and give some kind of estimate of what the cost would be. Then we could look at this as a city body and then decide if we want to use her or go outside for bids.

Chris Ampfer verified that the Comprehensive Plan is a five year process and questioned how much has it changed within the last twenty or thirty years. He was involved with the Comprehensive Plan one time, and it should really be the citizens of Cold Spring doing it. Cameron Blau stated that you are probably going to need a new map no matter which way you go because there have been so many changes in the city. Lou Gerding stated that we definitely have to have the public meetings.

Brenda Helton stated that they wanted to begin this on March 22<sup>nd</sup>. We have a meeting on the following Monday and she questioned if we could look into this and discuss it next month. Cameron Blau stated we could do this but there has to be a fiscal court meeting to have the resolution approved because it is entering a contract between the city and the county for those general services. The only way to have it fit into that deadline for general services would have been at this hearing unless you want to call a special meeting at a later date. He will ask Cindy Minter to supply her credentials along with an estimate for those services. Once again it would be \$80 per hour, which is consistent with all of the work that they perform. Chris Ampfer questioned if we could just allow the Planner a certain amount of money up front, just to get this going so we are not holding up the process. Lou Gerding stated that if we don't choose Ms. Minter then we have wasted money on that. Nancy Bay questioned if we could ask her to come to our March 9th caucus meeting and interview her then. Lou Gerding stated that would be excellent. He verified with the city clerk that the last Comprehensive Plan was an update which was performed by NKAPC in 2010. He stated that we have time to do a Comprehensive Plan and there is no urgency.

Brenda Helton made a **motion to table Resolution 15-02 until the March council meeting**, and Lisa Cavanaugh seconded the motion. All were in favor. **Motion carried.**

The next item of on the agenda was an ordinance for **approval of the annual stormwater compliance report for October 2013 thru December 2014**. Nancy Bay stated that in talking to our stormwater consultant John Damico, we do not need an ordinance for this approval. We will just handle this by motion in the same manner as it was handled in 2013. Lou Gerding made a **motion for approval** and Adam Sandfoss seconded the motion. Nancy Bay stated that four changes were made to the original draft and council has received a copy of those changes. All were in favor. **Motion carried.**

The last item on New Business was an addition to the agenda under 10 F, dismissal of the police chief, as requested by Adam Sandfoss. Councilman Sandfoss stated that council was informed of this action via an e-mail and then via a letter in the mail of the dismissal of Police Chief Ed Burk from the Cold Spring Police Department. He e-mailed Mayor Nancy Bay afterwards asking for the reasons for the dismissal and he did not hear anything back from her. At his job, he received multiple inquiries from patients, co-workers, physicians, and residents who knew he was a Cold Spring Council Member, asking him what was going on in the city and commenting on all the negative attention we have received within the last month. The paper and e-mail cited a difference in vision for the future of Cold Spring and he questioned that, since the police chief doesn't make policy what the exact differences of the vision were between the Mayor, the Police Chief Burk, and the future of Cold Spring. Mayor Bay replied that tonight under mayor's comments she is going to give her State of the City address and you will see her vision then. Per our ordinances, as the mayor she has the right to release the chief which is what she chose to do. Councilman Sandfoss agreed that this is her right as mayor, but it is also the right of the citizens and council to ask this. He doesn't think anything should be done without consequence, recourse, or an explanation for decisions. He questioned if time would be allotted for either citizens or council to ask questions after her State of the City address. Mayor Bay stated that the State of the City address is at the end of the agenda and after her comments, we will adjourn.

Mayor Bay stated that she chose to let Ed Burk go because he wasn't part of her vision for the city. He was here under the last regime and he did a good job for that regime, but it wasn't what or who she chose to have and she has that right to choose. She did nothing different than what previous mayors have done, without any comment. She had numerous calls and visits from residents and businesses of the city who were very unhappy with his attitude. Also, he did not inform her of something that he should have informed her of and that was the end of it. Councilman Sandfoss verified that she wasn't going to give specific reasons as to the difference in the visions or that we didn't have any type of crime spree or anything like that. He commented that the city was running great and we were actually featured as the top city to live in the tri-state area multiple times from Cincy Magazine notably because of the crime and safety statistics in our city. He verified that there was no kind of education done to reprimand those problems. He wants to sure that we had this for the record and on camera for our citizens.

Lisa Cavanaugh stated that mayors sometime bring in their own people, for their own reasons, and sometimes you don't have to give a reason. She wouldn't say that it is so much negative attention but that it is just a change. She has actually heard comments on both sides. In hindsight, this could be a positive thing. Lou Gerding stated that he has heard from hundreds of citizens who thought that the chief made the police department what it is and that he did an excellent job and they disagree with the decision. Adam Sandfoss stated that citizens came up to him and asked about the negative aspects because of the negative comment that was posted about the dismissal of the police chief on NKY.com. which requires a login. The login showed a facebook name of Lisa Cavanaugh, Cold Spring City Councilwoman, which is visible for anyone to see. Lisa Cavanaugh stated she was using her personal login. Nancy Bay ended the discussion at this point.

Nancy Bay commented that when we had our stormwater TAC committee meeting we found out that we need three councilmembers on it. Chris Ampfer is on that committee right now and everyone should have received an e-mail asking for two more volunteers. Adam Sandfoss stated that his work days and hours don't allow him to do this. Lou Gerding commented that he would not do it since he is not confident with legal counsel. Roger Jones volunteered to be on the committee. Brenda Helton verified with Mayor Bay that there will be maybe six meetings per year, during evening hours. Brenda Helton volunteered to be on this committee.

Resident Steve Roach addressed mayor and council. He understands that they weren't the mayor's people, but to eradicate all of your head personnel at the same time was a crazy thing to do. There was a system set up in the city where everything was running fairly well. He questioned where the continuity was in the city. The mayor has arbitrarily cut off all of the authority in the city, and to sit there and arbitrarily cut off your council members by not letting them know what is going on is silly. Mayor Bay thanked him for his comments.

Departmental reports were submitted in writing.

Wayne Hall stated that he would like to congratulate our two newest police officers, who have completed their one year probation period. He stated that Officer Hyett is now teaching D.A.R.E. in the schools and the department just passed their fourth accreditation.

Dave Rodgers stated that the recent arctic blast has affected his department considerably. We have just had three major snowstorms. He thanked all of the citizens who have been so gracious and have understood the difficulty in removing up to 16 or 17 inches of snow in a one week period. So many of the residents have been positive and uplifting and we are all in this together. We understand and know that they are trying to clean their driveways, but it is Public Works responsibility to clean our streets. They like to take those streets curb-to-curb so that the day after the storm the streets can be open to street parking and mail delivery won't be interrupted. He thanked those who heed the snow emergency and remove their cars from the street, even in a small snow forecast. If there is just a possibility of ice or a small amount of snow, those that put their cars in the driveway just makes it so much nicer and safer for Public Works to do a better job for the residents, especially on the hills. A fourteen hour day is not uncommon for Public Works employees when snowstorms hit.

Chris Ampfer questioned how information on a snow emergency goes out. Dave Rodgers stated that it is on the scroll bar on our website, phone system, and on various TV and media stations as well. Mayor Bay stated that snow emergencies are pretty well decided between the Public Works Department and the Police Department.

City Clerk Rita Seger reported that we sent out 2,926 real property tax bills, and to date 2,878 have been paid, leaving 48 real property taxes unpaid. Delinquent notices were again sent out mid-month.

Roger Jones reported that he did attend the February Planning and Zoning meeting where they discussed the Paulena Drive map amendment, and reviewed a number of upcoming items for the Board.

Nancy Bay stated that the Parks Recreation and Tree Commission is working on the Easter Egg Hunt which will be held at Municipal Park on Saturday, March 28<sup>th</sup> at 1 pm.

Chris Ampfer stated that in the past, Chief Burk did the code enforcement for the city and he questioned who will take over the code enforcement. Sometimes it is the city engineer in other cities that takes over this. Mayor Bay stated that when the new chief comes in they will discuss it with him. Right now our police department is just keeping their eye open, and any reports that come in are turned over to them.

Council comments followed.

Chris Ampfer stated that he has received some comments about why the city allows some businesses to advertise as the City of Cold Spring and others to put Cold Springs. Mayor Bay stated that it is Cold Spring, and we will have to watch that. Adam Sandfoss thanked all of the public works employees who spent many hours on those cold nights and mornings away from their families to plow the snow. It is greatly appreciated. Lou Gerding mentioned now that the January 12, 2015 special meeting minutes have been approved, it stated that the mayor at that time said that Brandon Voelker made \$54,000 per year which went out with the media, but that is incorrect. Brandon Voelker only made \$45,000 per year, which is a 19% difference in what was stated. Nancy Bay stated that the budget amount was \$54,000 for legal services. Councilman Gerding stated that legal services also includes additional money for a separate attorney that is required for our Code Enforcement Board. Before saying that we are going to save this much money, that person should do their homework and know exactly what that person made. Lisa Cavanaugh thanked the Public Works Department for their long hours working day and night when Mother Nature works against them. We have approximately 104 streets in the city and we have four drivers, each doing approximately 25 streets. Kudos for their hard work. She stated that residents have noticed that the police have been in the school zones for the last few weeks, and she thanked them for that. She stated that in June, 2016 it will be the city's 75<sup>th</sup> anniversary and she is getting the word out to ask people to dig through those boxes in your basement or garage, so we can gather as much information or pictures about our city as we can. There is only limited information at the historical society. We will be talking about the plans when we discuss the budget. Councilwoman Cavanaugh commented that some people will be happy about who has been elected, but some people aren't. She doesn't know whether the Mayor's decisions are right or wrong but she has every bit of faith and confidence for positive things for the City of Cold Spring. We all live here and there is always going to be differences of opinion, but we have to find a point where we just have to put those differences aside and look at the bigger picture.

Attorney Cameron Blau commented that this is an exciting time for the City of Cold Spring for Planning and Zoning. There hasn't been new growth in the City of Cold Spring since 2007. We have three potential businesses interested in coming in, and then we have remodeling jobs that should double the size of certain businesses. It is a very exciting time. There is a lot of work ahead. Lou Gerding stated that there have been new businesses since 2007. The building on Plaza Drive was just completed two months ago. People need to do their homework.

Mayor Bay gave her State of the City address, as legally required, along with her Vision of the City for 2015 and beyond. She stated that she is the first new mayor in twelve years ago. We also have three new council members. We have a population of 6,800 with 22 miles of roads and streets. She reviewed the recent snow plowing and salting done by our Public Works Department. She reviewed the departments, and how many employees each have. She reviewed our 2014/2015 fiscal year budget of \$5,596,528 and stated we are under budget at the present time. Our reserves are \$3,659,806. Our real property tax rate is \$1.64 per thousand. We currently have 48 outstanding property tax bills and 15 outstanding tangible tax bills. Additionally, in order to run the city we have an accountant, an attorney and a code enforcement officer, a Board of Ethics, a Board of Adjustment, a Planning & Zoning Commission, a Parks, Recreation & Tree Board, and a Storm Water TAC Committee. It takes all of these to keep our City functioning well. As of present the city is in very good financial shape. The new administration plans to maintain this level and improve it.

Regarding her visions of the city as she campaigned about, her goal is to re-evaluate all positions and expenses. She has replaced our attorney for a projected savings of \$20,000 for the current budget year. She has removed the part-time City Administrative Officer with a projected savings of \$39,000 for the current budget year. She is developing a new job description for that position with an emphasis of grant writing and economic development for a projected savings of \$30,000 for the next budget year. She has advertised a job description for the replacement of the Police Chief, encouraging our own officers to apply. We will review ways to improve our Police Department, including budget reviews and strong community based policing, better technologies, and cost-saving measures.

Mayor Bay stated that she is working on a "smart growth" plan for the city, with her goal to meet with every business owner and operator to address his/her concerns. She will develop a list of potential properties that would be available for commercial rental and development, to serve as a reference for potential developers in the city. The Administrative Officer will incorporate business owner feedback in the "smart growth" plan that will additionally focus on those businesses that would not

only provide a service for the residents but would also offer employment opportunities. This would keep our tax rate lower. We have a vibrant Parks, Recreation & Tree Board made up of volunteers and she invites any of our residents who have free time to be on the Board or volunteer for special events to all the city offices.

Overall the State of our City is very good and she feels confident as we develop a bold approach that emphasizes on small growth, an engaged business community, a streamlined city process, cost effective spending, and low tax rates. She is proud and humbled to serve as Mayor of the City of Cold Spring for the next four years.

Adam Sandfoss made a motion to adjourn the regular council meeting at 8:42 pm, and Lisa Cavanaugh seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**