

Cold Spring City Council August 11, 2014

The special meeting of the Cold Spring City Council was called to order by Mayor Mark Stoeber at 7:30 pm. Mayor Stoeber explained that the regularly scheduled caucus meeting has been cancelled and replaced with this special meeting so that we can take care of a number of items of business as listed on the agenda. By law, we have to stay within the agenda as it has been published. 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 City Attorney Brandon Voelker.

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

There were no citizens' comments.

Mayor Stoeber stated that we put street programs up for bid, as approved by the budgeting process. The first item of business is acceptance of the street bids, which we received this morning.

Rob Keller, civil engineer with Bayer Becker addressed council. As the mayor mentioned we put out three requests for bids for the 2014 /15 street program. He passed out to council three separate reports on the three bid tabulations. The Concrete Street Phase I was for streets back in the Sturbridge subdivision, and we received two bids, one from M&W Excavation and one from JPS Construction who has done quite a bit of work in our city in the past. The M&W bid came in at \$413,845.40 which is well below our \$500,000.00 estimate for Phase I. Even though we did not get a large number of bids, these were well within the range of our estimate. M & W is a very reputable contractor and has done quite a bit of work within the city and quite a bit of work in Granite Spring. He feels very comfortable with their bid. The second sheet on the Phase I report shows a breakdown of the streets that will be done. Based on the timing in the year we want to get started now and make sure that all of the streets are done by July 30, 2015. Fifty percent in Phase I, Millrace, the rear portion of Sturbridge, and Bridgeport should be completed this fall, starting in about two weeks. They will work through December, shut down during the winter months, and start again in March of April of 2015.

Dave Guidugli questioned the line on the report referring to maintenance of traffic, which indicated a very large difference in quotes from M & W versus JPS. One bid was \$1,400 and the next one was \$11,000. Rob Keller stated that he did ask M & W about this because they go through each item. Every contractor has a different way of putting money in, either at the front end or distributing it throughout all of the bid items. They have just done theirs a little differently than JPS. Millrace will be only one lane, and on Sturbridge and Bridgeport, they will do one lane at a time while the other is left open. These streets are not very long. Mayor Stoeber stated that essentially, no matter how they throw their profit numbers, the traffic will be maintained. Rob Keller stated that is a key item with every project.

The second bid was for the Asphalt streets. We received three bids, and Eaton Asphalt was the low bid. They have been around for a long time and are a very reputable contractor. Their bid came at \$527,336.00. Our estimate for the asphalt was around \$550,000.00 so it is approximately five percent lower than our estimate. The second page of the report shows a breakdown of the streets to be asphalted.

Mayor Stoeber stated that once they have designed their construction schedule, typically the city sends out a letter as soon as we can before the scheduled work, letting residents know that construction will be going on and when it will commence, that traffic will be maintained, or if there may be issues with bus service, and also let the residents know the time frame if a street has to be closed for a short time during a concrete pour. Rob Keller stated that they can only close the street for 15 minutes, and then let all of the stacked traffic through, but once they are through they can close it again. Mayor Stoeber stated that we want to put that information in an advisory letter to all of the residents that will be affected.

The third bid was for Concrete Phase II and they received four competitive bids. Straight Edge Construction out of Brooksville in Bracken County was the lowest bidder at \$616,319.00 and our estimate was right around \$690,000.00. They are about ten percent below our estimate. Bayer Becker did due diligence and verified with Covington and Elsmere where Straight Edge is doing contract work, that they are doing a great job. The engineer on those projects complimented them and stated that they are very sensitive to the residents and communicate very well with them. Mr. Keller stated that Sabre Drive and Aloysius Circle will probably get done this late summer and fall, and the others will probably be done next spring, depending on how the weather is.

Mayor Stoeber verified that in general on the street program we will have Millrace and Sturbridge to Bridgeport, and Sabre and Aloysius and most if not all of the asphalt streets done by December of this year, which from a number standpoint is well over half of the street program being done in this time frame. He questioned the best way to submit this for a vote. Brandon Voelker stated that we could either vote on the street bids one at a time, or do them all at once, and he suggested wording. Councilman Guidugli stated that consolidating the bids together was fine with him.

Dave Guidugli made a **motion to award the Phase I concrete bid to M&W Excavation as the lowest and best bid, the Asphalt bid to Eaton Asphalt Paving as the lowest and best bid, and the Phase II concrete bid to Straight Edge Construction as the lowest and best bid.** Kathy Noel seconded the motion. Roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.**

Mayor Stoeber thanked Rob Keller for the tremendous amount of detail that he provided, but the advance notice to our residents as discussed earlier, particularly on the concrete will help.

The next item on the agenda was the bid for the extension of the maintenance building. Steve Taylor stated that the bids were opened on July 28th, and there were only two bids, Woeste Builders in Alexandria at \$25,928.00 which was the lowest bid, and Y.M. Sun Construction out of Cincinnati at \$32,850.00. The city had budgeted \$25,000.00 for this project. The public works committee has gone over this and recommended acceptance of the lowest bid from Woeste Builders. Adam Sandfoss questioned how big the extension was. Steve Taylor explained that we are increasing the front of the maintenance garage by 10 to 15 feet which will then cover the salt bins. We are putting in oversize doors so that you can dump directly into the salt bins, but keep them out of the elements. We are doing the work strictly on the front side of the building. Dave Guidugli stated that this will also keep water from getting into the salt bins. Steve Taylor stated that this will take care of a lot of the problems which they have been experiencing.

Rob Moore made a motion to **award the bid for the maintenance building extension to Woeste Builders as the lowest and best bid of \$25,928.00.** Dave Guidugli seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

The next agenda item was acceptance of the updated occupational license / payroll tax administration interlocal agreement with Campbell County. This is the first revision by the county after seven years. Dave Guidugli made a **motion to accept the revised agreement** and Kathy Noel seconded the motion. Lou Gerding stated that this is a 100 percent increase in what they were charging and questioned if this was an action taken by the Fiscal Court. He would like to see the judge executive and commissioners from the fiscal court come in and explain why they are asking for 100 percent increase in fee. It is different if it is 2 percent or 5 percent increase per year, but 100 percent is unreasonable. Dave Guidugli stated that he has no idea why they did this increase at one time, but the good thing is that we are getting quite a bit more money than we ever have in the past, because of the way that they are administrated. He agrees that it should have been done in small increments. It would have been easier to budget for this. Mayor Stoeber stated that relatively speaking we are talking a \$10,000 increase and they have not projected any form of increase in the last seven years.

Adam Sandfoss stated the he also believes that we should be given a reasonable explanation as to why the increase is the size that it is as opposed to why it wasn't regimented over the past seven years and what is going to happen in the future. He questioned if again there would be no increase or decrease for years and then all of the sudden will we be charged double again. Instead of shocking the system they should try to do it incrementally. He stated that we should table this until we receive more of an answer from those who have ruled this way. Mayor Stoeber stated that we have a motion on the floor, which we can either take the vote and vote it down and figure out what the next step is, or in order to leave this motion and second intact we would need a motion to table which holds the vote to a specific time as to when it will be heard.

Adam Sandfoss made a **motion to table the Fiscal Court interlocal agreement until we get more information with the timeline possibly being the next caucus meeting.** Lou Gerding seconded the motion. Mayor Stoeber stated that since a motion to table trumps all standard motions, it will be tabled until a future time when we bring it back to council.

The next item is for authorization for the mayor to sign an annexation agreement with Mark Schroder Jr., Dodsworth Lane. Brandon Voelker stated that this is a piece of property where the front of it is in the city and the back part of it is not in the city. It is being split off from Mr. Schroder's parents track. He desires to build a house there and the only relief that he is seeking from the city is that he be allowed to build his house behind the existing barn. From the city's standpoint it obviously keeps us growing our boundary and it will be a piece of property that will be of substantial value. He could stay in the county but then we would not derive any revenue so it is a win-win situation much like the recent annexation on Murnan Road. This is someone who is willing to come into the city by agreement. Mayor Stoeber verified with Attorney Voelker that if he didn't come into the city

he could basically do whatever he wanted with this property because the house is going to be built regardless. He is coming to us saying that he wishes to be in the city of Cold Spring and will pay our taxes.

Rob Moore made a **motion to authorize the mayor to sign the annexation agreement with Mark Schroder Jr. for the property on Dodsworth Lane**, and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance 14-1007 was read in summary form for the first time, for the consensual annexation of 0.3669 acres on Dodsworth Lane, owner Mark Schroder. Lou Gerding made a **motion to approve Ordinance 14-1007** and Adam Sandfoss seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Brandon Voelker gave an update on next agenda item which is authorization for the mayor to sign and file with the Kentucky Secretary of State for the notice of city reclassification. He explained that the state did away with the classification system and essentially every city will either be a first class city, such as Louisville, or a home rule city. In order that the state wouldn't have to keep digging through corporate records to find out how your city was created, they essentially said that you must file this notification by January 1st or you will not receive state funds. Mr. Voelker prepared the form outlining what type of city we are, and once we adopt it, then we will comply and send it down state. They also changed the law that should anyone wish to change the form of government it will require a vote of the people on the election ballot.

Lou Gerding made a **motion to authorize the mayor to sign and file the notice of city reclassification with the Kentucky Secretary of State.** Dave Guidugli seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber stated that the next two agenda items are a continuation of the technical issues that we have to put into place for the stormwater program. We passed an ordinance for the illicit discharge and the following two are required by the state.

Ordinance 14-1008 was read in summary form for the first time, for the Cold Spring Erosion and Sedimentation Control. Kathy Noel made a **motion to approve Ordinance 14-1008** and Adam Sandfoss seconded the motion. Lou Gerding stated that he has not had a chance to read through it since he just received a copy of it this morning. Brandon Voelker stated that by having a first reading it just puts in motion that you are considering it. This ordinance was something that our consultants met with the county on last week. There were changes at the last minute. The ordinance as presented is where we are at right now but there will probably be changes. He suggests that we go ahead with the first reading, but then after you have time to review it, discuss any changes with him. We have projects being built in the city right now and we need to have something more concrete with guidance that we can give the developers. It is set up to go through Code Enforcement, which does put a lot on their plate. We are using that Board to handle our stormwater violations. Time is of the essence. Lou Gerding verified with Mayor Stoeber that the intent is to have this on the agenda for our regular council meeting at the end of the month. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance 14-1009 was read in summary form for the first time, for Post Construction Run Off Control. The Illicit Discharge ordinance formerly passed was for the current the existing stormwater and there are rules and regulations for what would happen should something go wrong. The first reading tonight on the erosion and sedimentation is involved with the construction phase. This ordinance is for post construction which deals with obligations after construction. Dave Guidugli made a **motion to approve Ordinance 14-1009** and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Mayor Stoeber reiterated that the intention is for these two stormwater ordinances be on the August 25th regular council agenda, however as you read through it if you feel that we need to take it off the agenda just let him know.

There were no council comments.

Brandon Voelker referred to tonight's annexation and he thanked Rob Keller who was actually the one who was the driving force in having the Schroder property come into the city.

Mayor Stoeber stated that, in regards to inviting the judge executive and current commissioners to explain to council about the interlocal agreement increase, he will certainly extend that invitation but he hopes they realize that he has no official authority to require them to come. He will invite them to our next council meeting to be on camera, and will request that all four attend. That is the best that he can do.

Kathy Noel made a motion to adjourn the August 11, 2014 special council meeting and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

Cold Spring City Council August 25, 2014

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, and Kathy Noel – excused was Adam Sandfoss. Also present were Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker.

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

Mayor Stoeber stated that after our August 11, 2014 special council meeting, Councilman Rob Moore resigned since he was moving out of the city. By law he must live in the city in order to serve as a council member. Mayor Stoeber requested one addition to the agenda, under New Business Item 10 F – acceptance of Rob Moore’s resignation.

Mayor Stoeber stated that the Kentucky Symphony Orchestra performed at our Municipal Park on Saturday, August 9th. Steve Taylor gave an update, stating that approximately 250 people attended. Mayor Stoeber stated that he received many compliments on the effort that was put into this event and the outstanding quality of the group. A Trunk Sale will be held on Saturday, September 6th, from 9 am to noon at the Carole Huber Municipal Ballfield. Please call the city clerk’s office to reserve a spot. The next Movie in the Park, *Planes*, will be held on Saturday, September 20th in the rear of our Municipal Park. There will be a drawing for an American flag and pole for a resident staying until the end of this meeting. Also, as a way of a thank you, we will have a couple of special drawings for residents who signed up to receive a city newsletter via e-mail.

The minutes of the July 28, 2014 council meeting were reviewed by all. Lou Gerding made a motion for approval and Kathy Noel seconded the motion. All were in favor. Motion carried.

The minutes of the August 11, 2014 special council meeting were reviewed by all. Kathy Noel made a motion for approval and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Mayor Stoeber stated that the next agenda item is a revitalization of the Buy Cold Spring program which Councilman Sandfoss asked to bring back. A couple of years ago the city extended invitations to Cold Spring businesses to speak before council and on camera, which gives the at-home residents a chance to find out more about the various businesses, non-profits and institutions that we have here in the city. We had a wonderful response. Cold Spring businesses may take three to five minutes to talk about themselves. Mayor Stoeber stated that it is an honor for him to introduce Scott Hehman from the Newport Lodge #273 of the Benevolent & Protective Order of Elks. They have been a wonderful contribution to the city for many years.

Scott Hehman of the Newport Lodge #273 BPOE addressed council. He is the current president, a title also known as the Exalted Ruler. He is also a resident of Cold Spring. They are a private, fraternal, charitable organization and their biggest benefactors are the youth and veterans. They are located at 3704 Alexandria Pike, and they raise money just to give it away. It is all charity. Their biggest fundraisers are their Monday night Bingo and their Friday night Fish Fry, both open to the public. The benefactors are their youth. This September they will give every third grader in Campbell County a dictionary, which is an Elks function that goes across the nation. They are very active in the Red Ribbon drug awareness organization. They sponsor Soccer Shoots and Hoop Shoots and all children are welcome to attend. Winners are invited to the district and then can go on to the state, regionals, and nationals. All of these trips are paid by the Elks with no out of pocket expense for the family. They sponsor the St. Joe’s Boy Scouts, Troop 86. They give away scholarships totaling \$16,000 to the eight Campbell County High Schools, both academic and for those in need. The judging is done by NKU so it is unbiased. There will be benefit dance open to the public to raise money to help kids with cancer go to camp each summer.

The Elks Lodge supports our veterans. They spend a lot of time at the Ft. Thomas Veterans Hospital supporting them, playing Bingo with them, and treating them with snacks. In July and August they have the vets at their Lodge for a luncheon Fish Fry. In November they have them out for a Thanksgiving dinner. At Christmas they have gift bags for every patient at the VA hospital. All of this ties into the Buy Cold Spring presentation because they ask everyone to support their Lodge, come in and play Bingo, enjoy their Fish Fries or participate in any of their benefits. If you have an interest in volunteering and giving back to the community you can stop by and ask anyone who is there.

Mayor Stoeber stated that he spoke at the Elks Lodge a couple of weeks ago and the main theme of his talk was to describe the heart of the Elks, and the essence of the Elks, which is that they are good people with a good and giving heart. They are not asking for recognition or a pat on the back. They give away thousands and collect a dime at a time. Every piece of money

they get they work hard for. You can make a donation in general if you like but one of the great things they do is open their doors for a gathering place, and you meet many people at one of their events.

Bobbie Joe Bailey, Fischer Special Manufacturing, addressed council. Quality and tradition are especially important to them. She gave a history of Fischer Special Manufacturing which was founded in 1905 by two brothers who started by manufacturing spark coils and spark plug parts for marine engines and then progressed into the automotive industry. When their sons took charge of Fischer Special Manufacturing in the 1930's they expanded the product line to several types of non-ferrous fasteners emphasizing rapid and inexpensive high productive mechanization. They also designed many machine tools. In 1970's two grandsons of the founders accepted the leadership responsibilities and continued the growth and expansion of the product line, concentrating on screw machine parts. They moved to the current location of 1188 Industrial Road in 1980.

Today they are a thriving manufacturing company that specializes in screw parts and machine inserts, many of which end up in the automotive industry. They work mostly in brass and the machining is done mostly with manual machines. Their machinists consider what they do as art, producing a high volume of parts. They also manufacture to their customers specifications and orders and nothing sits on the shelf. They recycle their raw materials and they ship their parts in biodegradable containers. Fischer Special Manufacturing employs approximately 80 people, many who reside in or close to Cold Spring. Many have been with them for more than twenty years. They buy their lunches here, bank here, buy gas here, and shop here so they contribute to the local economy. They provide good jobs at a solid company for your friends and neighbors. When the economy hit the ropes they struggled a bit but they did not suffer extensive layoffs and their business model has remained strong. Manufacturing is a booming industry again in the United States and they are feeling the impact with their business every day because they are very busy. They are always looking for experienced machine operators and a few people with mechanical ability who would like to work with them and learn their trade. Ms. Bailey is proud to represent Fischer and she works as a recruiter and employee relations representative. In closing she extended an invitation to all for a tour. Call her and she can set you up to spend a few minutes to see what manufacturing looks like in Cold Spring today.

Mayor Stoeber thanked Ms. Bailey for coming up. Fischer Special Manufacturing has been a great corporate partner with the City for close to 35 years. He never knew the full depth of the story of the family roots and hardworking people and to have this business in the city adds to it. The economy has changed over the years and the craftsmanship of a machinist, tool and die person, or a welder, is a lost art. He encourages students or anyone caught up in the economy and looking for a transition to take advantage of the opportunity that they are providing to be re-trained and learn a valuable trade, and be a part of the economy. There is great pride in making quality products and having people buying your quality products.

Mike Reickert with Bluegrass Vape addressed council. He thanked them for this wonderful opportunity to talk about the business. He is one of three proprietors of this small and independently owned family business. They are located at 4135 Alexandria Pike. They sell electronic cigarettes, which contain no tobacco whatsoever. There is a battery and a tank with juice inside. When you apply electricity to that juice it changes into a vapor, not smoke. The advantage of changing over to this from cigarettes is that the cost is dramatically cheaper and health-wise, it is dramatically better for you. He smoked for 22 years and tried everything to stop and failed with every attempt. One day he was offered a gift pack of electronic cigarettes and he tried it and since then he hasn't smoked and will never use an analog cigarette again. With electronic cigarettes you get to enjoy the "vaping" but without the harmful tobacco by-products. The juice is available with nicotine to simulate the cigarette experience, or with lower nicotine levels or with zero nicotine in it. Many people are able to work their way down from a high nicotine level to a zero nicotine level, and get off of it altogether. They are open from Monday thru Thursday from 10 am to 9 pm, on Friday and Saturday from 10 am to 10 pm, and on Sunday from 12 to 7 pm. They have a full lounge and offer free WIFI so you have the opportunity to come in, sit down, do some paperwork, and just "vape" since it is non-smoking. They have 70 different flavors so there are a lot of options. If you are interested in switching over to a healthier and cheaper lifestyle, then stop in. They have a testing area where you can try it out to see what it feels and tastes like without investing in it. It is not a medical device. It is considered a recreational device that is much healthier. He is thankful for this opportunity to talk about Bluegrass Vape.

Mayor Stoeber stated that it is great to see today's great entrepreneurial spirit. It takes a lot of courage to step forward with an idea and to sign a lease and it takes a lot of courage to get a business plan and financial backing to turn your idea in fruition with a lot of risk to it, whether it be the social, manufacturing or the retail aspect of this, and it is great see the investment that people are putting into our community and likewise to see our support of the trades. He appreciates all three businesses that have come before us. There is a wonderful diversity in what they have presented.

Mayor Stoeber thanked Judge/ Executive Steve Pendery and Commissioner Ken Reichtin for attending tonight's meeting as scheduled guests. At our last meeting, city council was presented with the option of a new interlocal agreement with the county in regards to tax collection services. Council had some questions regarding the genesis of that agreement, and they requested that an invitation be extended to the Judge/Executive and Commissioners to have a dialog. He appreciates their attendance.

Judge Executive Stephen Pendery addressed council, and he stated that also in attendance are Matt Elberfield who is the finance director, and Commissioner Rehtin. Judge Pendery stated that there has been a perennial complaint from taxpayers that they have occupational license taxes to calculate separately in all of the jurisdictions throughout Campbell County and Northern Kentucky. The people asked for a more efficient way to collect those taxes and expressed the hope that someday there would be a consolidated system calling for one tax form to be filled out and only one tax to be paid. They are partway there, offering ease for the taxpayers, a better tax collection process for the cities, and a higher tax collection rate. Ten of fifteen cities in Campbell County collect these kinds of taxes, and seven out of the ten have joined the County collection system. Kentucky may be the only state in the U.S. that has a tax system like this, and there was no off the counter accounting system to buy that would work for as many as ten jurisdictions all at once smoothly and efficiently. Earlier this year Campbell County partnered with an outside company to produce a new system. It was put into service and thoroughly tested, and found to be efficacious and infinitely expandable. The new system has been much more efficient. Judge Pendery stated that we should turn this into a conversation and invited further questions.

Lou Gerding questioned why they are asking for a 100 percent increase in the city's fees to Campbell County. Judge Pendery stated that in the beginning, the County charged a fee that really didn't have anything to do with expenses as much as it had to do with establishing a fee for service. They ran the system for what essentially was 100 to 200 percent less than what other jurisdictions were charging. Boone County charges a three percent fee and Kenton County charges a two percent fee. Campbell County has been at one percent, and as they have become better, more efficient and producing more money, he hopes that everybody can see the reasons for charging something a little closer to what the County expenses are, though it is still massively subsidized. County spends about \$300,000 between the personnel and the expenses in mailings and accounting, and they have only been getting approximately \$70,000 at one percent. The two percent will bring it closer in line to the other two counties and even then they will only be at half of what the actual expenses are. If each of the cities do this on their own, they would have a lot of trouble doing the collections work and getting the same amount of money, plus they would spend a lot more money than what County is charging. He feels that the County is still providing a very good value.

Mayor Stoeber stated that with this increase and the statement that they are only collecting half of what they need today, he is sure the expenses will increase over time. He questioned what the plan is for future increases. Judge Pendery stated that their plan is to be competitive with the other providers. This is something that benefits them as well, and yes the system is subsidized but the County is collecting their taxes as well so they don't have any plans to increase fees beyond this. Mayor Stoeber suggested that if the Judge and Commissioners feel that they are not going to subsidize in perpetuity, they should do more moderate increases. If in fact they plan to come back for an increase once every five years, then they should communicate that. Unfortunately this increase came at a time when the City had already completed our budget. Since we didn't have this in our budget, it was a surprise, and that raises a lot of interest as to why this occurred.

Lou Gerding concurred, stating that the budget had already been approved by the time the City got the communications. A 100 percent increase which is not in the budget is hard to explain to the taxpayers so now we will have to go back and look at everything after the budget committee has already spent a lot of time with it.

Judge Pendery stated that if it is in your budget it would be in the form of reduced revenues. They don't actually charge us anything because it is deducted from the amount of money that they collect for us. This will be approximately \$10,000 in additional fees and he would be happy to explain to any taxpayers concerned that you have done what is in the best interest of the community because it has to cost you less than it would if you tried to do your own collection. The new software is infinitely expandable and there are efficiencies in this.

Lou Gerding verified with Judge Pendery that the intent was that the two percent would go into effect this fiscal year, and not just when we sign off on the interlocal agreement. He questioned the clause in the agreement, part 9, which reviews their charge of 33 percent of the amount of the collection fee should the city decide to terminate this interlocal agreement. Matt Elberfield of Campbell County stated that the percentage is actually against the fee that the county charges us, not against the total amount of the taxes that they collect for us. It is designed to cover the cost of notifications to the taxpayers and it is not a fee for penalty nor is it a punitive fee. It is equal to 33 percent or one third of the amount of collection fees for three calendar months. That is the cost of mailing and notification for all Cold Spring occupational license holders to advise them that they would no longer be paying their taxes to Campbell County and give them the new address to pay to and the form. It would also cover getting their data in the proper format to us. He would hope to rectify any concerns this would cause the city to drop out in the first place. Lou Gerding commented that the agreement shows no penalty should the county decide to get out of the business and questioned if that would be fair. Matt Elberfield stated the County would cover the cost of all notifications themselves, out of the county budget to notify all of the taxpayers that are no longer in this partnership. Brandon Voelker referred to item 7 B of the interlocal agreement which defines and sets forth the term of "collection fee", so he assured council that it is defined and covered from that standpoint.

Mayor Stoeber stated that County implies the reason for the termination fee, but it is not written in the agreement. In the event of separation of ways, the agreement says we pay County a certain amount of money should we withdraw, but it does not address in writing what this money is for or what we will get back for that withdrawal fee. Another nuance is that if County terminates there is no fee or anything in writing that says County will handle the notification themselves.

Attorney Brandon Voelker suggested some wording changes in the interlocal agreement that would correct this. In the first sentence for the city we could put "...of this amount the county shall notify all businesses of said termination..." and then we could add to the next paragraph "...in the event that the county terminates they shall pay all costs associated with notifying the business of the termination". He questioned if this was a possible alternative. Judge Pendery stated it was possible, but they would not like to change the agreement because they already have six cities onboard. He will be happy to provide the City with a letter that says exactly what we want. If there is a termination, the black eye would be with the County because they don't want to disengage in a way that makes everybody unhappy. Brandon Voelker questioned if we could just do an addendum to our interlocal agreement for clarification. Unless it is incorporated as part of this agreement could not be enforceable.

Steve Pendery stated that he will speak to the county attorney and believes this can be worked out. He will follow through and come up with something that meets our needs. You will very likely never want to terminate because this is going to be a better deal for the city than to do it yourselves. Mayor Stoeber stated that the city has looked at various opportunities that to others may appear to be not beneficial to do ourselves but have done so. Cold Spring tends to look at things differently.

Dave Guidugli reiterated the mayor's comment that a little communication goes a long way and if they are remotely thinking about raising fees in the future, let us know ahead of time. Brandon Voelker clarified that since the agreement does state a two percent fee, any change would be required to be in writing. If something changes it would have to come back for approval to the city. It doesn't leave either party with the ability to unilaterally change the percentage of the collection fee.

Mayor Stoeber thanked the members of the Campbell County Fiscal Court for coming up. Since this was a tabled item we will make a determination under the Old Business on the agenda on how we will proceed.

Jason Steffen, 107 Tremont, Ft. Thomas, addressed council. He stated that he is running for our state senate seat. He is currently the principal of Ludlow Elementary School. He recalled participating in activities at the Elks as a child and his 91 year old grandfather was an Elk and they are the best people in the world. He is not running for political gain or aspirations, but because he grew up in Campbell County and his roots in this area are deep. His family has been in Campbell County for well over 100 years and this is where he and his wife want to raise their children. It is not a democrat or republican kind of thing. He is not here for parties, but to give representation for Campbell County in Frankfort. When he decided to run he knew that Senator Stine was retiring and he feared that this seat might be bought by somebody with outside interests. As we got into the campaign he feels that people from outside are trying to buy this seat. This is his community and where he was born and raised and he is here to represent all the people from Campbell, Pendleton, and Bracken County, and going forward in Frankfort. He wants to do the right thing for all people and he is truly here for the people of our community as we move forward. If you have any questions he will leave some cards and he can easily be reached through his website.

Mayor Stoeber stated that under Old Business on the agenda is the Campbell County Interlocal Agreement which was tabled at the August 11th special meeting. At that time it was requested that Council receive more information from the Judge Executive and the Commissioners as to the generation of fees. Mayor Stoeber stated that Council has various options. You can table this to another assigned date to allow Attorney Voelker to have further discussion with County, or you can just accept the agreement tonight.

Dave Guidugli questioned if we were operating on the old agreement right now, since they are still doing this service for us. He questioned that since the agreement states that it is effective July 1st will we be back-billed so it would just catch us up. Brandon Voelker stated that technically we are still under the old agreement. They had planned on the effective date of July 1st so they will have to catch upon the fees. Dave Guidugli verified that if we put it off for another month, things will still go on as they always have. Steve Taylor stated that we have not notified them that we are withdrawing from the agreement.

Dave Guidugli made a **motion to table the interlocal agreement to the next council meeting on September 22**, and Kathy Noel seconded the motion. Lou Gerding stated that this was already tabled and in order to follow parliamentary procedure he questioned if we need to table it again. Mayor Stoeber stated that since it was tabled to this evening, that process requires some sort of action this evening. Since tabling is a priority, the fact that you have a first and a second is effective. All were in favor. **Motion carried.**

Ordinance 14-1007 was read in summary form for the second time, for the **consensual annexation of .3669 acres on Dodsworth Lane commonly known as the Schroder property**. Lou Gerding made a **motion to adopt Ordinance 14-1007** and Dave Guidugli seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Ordinance 14-1008 was read in summary form for the second time for the **Cold Spring Erosion and Sedimentation Control**. Dave Guidugli made a **motion to adopt Ordinance 14-1008** and Lou Gerding seconded the motion. Lou Gerding stated that he had a question on an item referred to in both stormwater ordinances, where it says that anyone can petition the City of Cold Spring. He questioned who they were petitioning and who would make that decision, and if it would be council or council's representative, or a representative from the Code Enforcement Board. Brandon Voelker stated that it would depend on the request. A setback or anything involving a structure would go to a Board of Adjustment, or if it was for part of a development plan it would go before Planning and Zoning. If it is an appeal pertaining to best management practices and the actual stormwater itself, that would go to the Code Enforcement Board, but any variance that would run with the land would go before the Board of Adjustment.

Lou Gerding verified that whenever the ordinance refers to going to the City of Cold Spring, it would mean going to whichever board would be handling the situation now, even though this is entirely new to the city. He would like more interpretation and clarification. Brandon Voelker stated that as we have seen in the past, you can appeal to the Code Enforcement Board, but that Board cannot grant a variance to allow something that goes against the Zoning Ordinance. The petitioner would have to go through the Board of Adjustment. When the ordinance refers to petitioning to the City of Cold Spring, it means they would go to the city to find out which body they would need to bring this in front of. Lou Gerding questioned if council will ever have to approve something. Brandon Voelker stated that it is possible. Our subdivision regulations primarily deal with how streets are built in the city. By law those are only passed by a Planning and Zoning Board. Council has never passed a subdivision regulation. Abigail Raines, the State MS4 Coordinator, has requested that we codify our subdivision regulations so that they are enforced by the City as well as Planning and Zoning. SD1 has accomplished this through regulations because they cannot do this by ordinance. Federal regulations say that it has to be by three ordinances. The County does not have such an ordinance, so if you do an open records request you would receive the SD1 regulations. There never was an active ordinance. The state asked us to do this.

There being no further discussion, roll call vote showed four yeses and no noes. **Motion carried.**

Ordinance 14-1009 was read in summary form for the second time for the **Cold Spring Post Construction Runoff Control**. Lou Gerding made a **motion to adopt Ordinance 14-1009** and Kathy Noel seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Ordinance 14-1010 was read in summary form for the first time, **approving the fiscal year 2014/2015 real property tax rate, personal (tangible) property tax rate, motor vehicle tax rate, and establishing the waste fee**. Kathy Noel made a **motion for approval** and Dave Guidugli seconded the motion. Lou Gerding verified that the proposed tangible tax for fiscal year 2014/2015 is \$0.198 and for fiscal year 2013/2014 it was \$0.189. He questioned the waste fee, because the wording was written in the ordinance as one hundred and twenty nine dollars but it reads numerically as \$132.00. Mark Stoeber stated that the intent was for the waste collection fee to be \$132.00, and this will be corrected. Kathy Noel **amended her motion to approve the tax rates with the waste collection fee to be \$132.00**. Dave Guidugli seconded the amended motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Municipal Order 14-04 was read, **reappointing Bill Von Strohe to the Code Enforcement Board** for a four year term to expire 8/24/18. Mayor Stoeber stated that Mr. Von Strohe was one of the founding fathers of the Code Enforcement since that Board was established. Dave Guidugli made a motion to approve this appointment and Kathy Noel seconded the motion. All were in favor. **Motion carried.** Mayor Stoeber thanked Bill Von Strohe and the entire Code Enforcement Board.

Mayor Stoeber stated that the next item was added to the next agenda as a result of **Councilman Rob Moore's resignation** due to his moving from the city. The law requires an official acceptance of his resignation letter which council has before them. Lisa Cavanaugh made a **motion for acceptance**, and Dave Guidugli seconded the motion. All were in favor. **Motion carried.**

There were no follow-up citizens comments.

Department reports were submitted in writing.

Council comments followed.

Lisa Cavanaugh questioned how the attendance was taken at the Kentucky Symphony Orchestra event. Police Chief Burk stated that he did arrive early and he made the count.

Mayor Stoeber reminded everyone about the Trunk Sale on Saturday, September 6th, and the Movie in the Park which will be Planes, on Saturday September 20th. He thanked the Parks Recreation and Tree Commission for their hard work.

There was no winner of the attendance raffle for the American flag and pole.

Two winners were selected from those who signed up to receive their newsletters via e-mail. The winners were Jerry & Carol Ling, and Penelope Rozhkova. They will receive American flags, poles, and brackets.

Lou Gerding made a motion to adjourn the August 25, 2014 council meeting and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: