

Cold Spring Council Meeting November 27, 2006

The November 27, 2006 Cold Spring council meeting was called to order by Mayor Mark Stoeber. Pledge of allegiance and prayer was led by the assistant city clerk. Roll call showed members present Lou Gerding, Charles Gray, Dave Guidugli, Rob Moore, Kathy Noel and Stuart Oehrle. Also present were Tom Benke, Ed Burk, Rita Seger and Brandon Voelker.

Mayor Stoeber stated that as a result of the safety committee meeting, Police Chief Ed Burk would have a report under Departmental Reports. Also to be added to the agenda under 10. G regarding a resolution in cooperation with condominium association, to send a request to our state legislators and the Transportation Department for a light at Buning Lane. Item 5 A. recognition of the Bogen Family will be moved to the Monday December 11 meeting to hopefully have the Bogen children in attendance. In its place, a Christmas wreath will be placed at our Veterans Memorial.

Council member veterans Lou Gerding and Stuart Oehrle were requested to do the honor of carrying the wreath and lead a procession to place it at the base of the Veterans monument. Mayor Stoeber stated that this is a new tradition that will be carried out every year .

Other items of interest to the community were then discussed. Lunch with Santa will be held at the Cold Spring Firehouse on Sunday, December 10th from noon until 3 pm. On that same day will be the annual Light Up Cold Spring which will begin at 6 pm . Turn you lights on and show your Christmas spirit.

Mayor Stoeber reported that the external auditors were in attendance at the last Caucus meeting and they gave us a clean bill of health. They reported that the city is in good shape, with good internal controls. Thanks to Tom Benke for a nice job.

Mayor Stoeber stated that each month Police Chief Ed Burk gives a report of police activity in the city. Mayor Stoeber wants everyone to be aware of the level of drug activity in the city and asks that everyone please be involved in our community and report any suspicious activity. Call the county dispatch which will put them in touch with our officers. Mayor Stoeber cited several incidences that initially began as routine traffic stops, or just suspicious activity which resulted in drug arrests. If something doesn't feel right, just call and our officers will respond.

Mayor Stoeber stated that there will be a drawing of an American flag and pole to be given away at the end of the meeting to any city resident who has stayed through the entire meeting.

The minutes of the regular October 23rd council meeting were reviewed by all. Lou Gerding made a motion to accept these minutes, which was seconded by Dave Guidugli. All were in favor. Motion carried.

A discussion then followed regarding the FEMA National Flood Insurance Program. Police Chief Ed Burk gave some background information on this. He stated that this was initiated by the Federal Government, and it offers people who are living in a flood plain the opportunity to buy insurance that would help reimburse them if they are flooded. There is a one hundred year flood plain which means there is a 1% possibility of a flood every year, and five hundred year flood plain which means there is a .2% possibility of a flood. Areas in the city under the five hundred year flood plain are Darlas Drive and areas on Pooles Creek Road. In 2002 the Federal Government recommended that cities be in compliance with the NFIP to adopt and enforce flood plain management. This is something we have to do to make sure that people who are in a flood plain can get insurance. A flood zone coordinator looks at any potential plans for new building in the flood plain area to make sure it is in compliance. Ed Burk said he would be happy to take this position.

Brandon Voelker stated that that Kenton County adopted their ordinance just this year, and they do have a number of flood areas in their county. Ed Burk stated that within this city we have eleven pieces of properties that are affected under the 100 year flood plain and two under the five hundred year flood plain.

Lou Gerding asked if there was anything in the federal plan that requires us to adopt this. The media was putting out information that one couldn't get a loan on property if the city had not adopted this plan and asked if this was false information. There is a brand new house that was built in this flood plan area and he wonders how they were able to secure a loan.

Brandon Voelker replied that there wasn't a requirement that we act on this, however, in the event that there is a flood we run the risk of not being eligible for FEMA funding that could be applied not only to housing, but to infrastructure such as roads etc. He stated that the media probably did not have an understanding that every bank has different requirements and it is up to the bank as to what they want to secure. It is a private issue between a bank and their customer.

Lou Gerding asked if we had a copy of the emergency ordinance that we will vote upon tonight. Brandon Voelker stated that this issue has come up very recently. He does not have the ordinance however he does have a copy of the Kenton and the Campbell County ordinance that ours will be modeled on.

Rob Moore asked if there were any adjustments that had to be made with the Planning and Zoning Commission for accepting this. Ed Burk stated that there would not be any procedures that need to be changed.

Mayor Stoeber made an Executive Order to appointing Chief Ed Burk as Flood Plan Coordinator.

Ordinance 06-922, Emergency Ordinance for adoption of the model FEMA Flood Insurance Program Participation was read in summary form for the first time. Mayor Stoeber stated that because this is an emergency ordinance, it would go into effect immediately after the passage. We would have the official second reading at our next Council meeting on December 11th. **Stuart Oehrle made a motion to approve**, and Kathy Noel seconded the motion.

Lou Gerding motioned that he would like to see this tabled until the actual ordinance is in front of them also to get an opportunity to check with NKAPC to make sure they may have to have something additional done and how this might affect them.

Brandon Voelker stated that he spoke to Countrywide Lending and was told if he could just send them a letter to the effect that the city was not currently not in the program then the loan could go through.

Lou Gerding stated that it appears that there is not need for an emergency ordinance. Brandon Voelker stated that we could remove this emergency and he would send a letter to the lender stating that we did appoint a flood plan coordinator and had a 1st reading. Mayor Stoeber stated that it would be better to go with a first reading and a second reading rather than an emergency ordinance. This would give the city a chance to look at this closer and make sure we really want to do this.

The customer, Dan Andrews whose property purchase was affected by this stated that he just spoke to Countrywide Lending and said that they had made a mistake when they spoke to Brandon Voelker earlier about the letter.

The motion to table died due to a lack of a second.

Stuart Oehrle then amended his motion to remove the emergency ordinance and just have a first reading in summary form for adoption of the model FEMA Flood Insurance Program Participation. Kathy Noel seconded the amended motion. Stuart Oehrle clarified that prior to the second reading, council will receive a copy of the ordinance, and have NKAPC review it and let us know in writing that they are happy with verbiage. Roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.**

Ordinance 06-923, updating the city liquor ordinance to eliminate inconsistencies created by county ordinance, was read in summary form for the first time. Brandon Voelker stated that the city does not have the authority to regulate Sunday liquor sales, only Sunday beer / malt beverage sales because we are a fifth class city. The county does have this authority. The city sales needs to be changed from 1:00 pm to 11:00 am to be consistent with the county regulations. **Stuart Oehrle made a motion to approve this first reading.** Dave Guidugli seconded the motion. Roll call vote showed all in favor. **Motion carried.**

Resolution 06-09 for city endorsement of upcoming county passage of "Sexually Oriented Business" regulations was read in summary form. Brandon Voelker stated that the county does plan on completing this action by the end of December. The county needs to build up a record of the negative post secondary effects of Sexually Oriented Businesses and by this resolution authorize the mayor to send a letter to that effect. Brandon Voelker explained some of the differences between the county ordinance and the city of Newport's ordinance

Rob Moore verified that the county is going to just accept what was okayed in the past by Kenton County and they are not going to change it. If they would want to change this he doesn't want to see any more legal fees headed our way in case

this would be challenged. Brandon Voelker stated that this is a county-wide ordinance and the city is not in the area passing ordinances governing this. The only thing that will come to the city is the second phase that would require changing the text of our zoning ordinance. **Stuart Oehrle made a motion to endorse this resolution.** Lou Gerding seconded the motion. All were in favor. **Motion carried.**

A motion for **Municipal Order 06-07, reappointment of Tom Freppon to the Board of Adjustments was made by Dave Guidugli.** Charles Gray seconded the motion. All were in favor. **Motion carried.**

As a result of the safety committee meeting, Mayor Stoeber next read in summary **Resolution 06-10 asking council's endorsement along with the mayor's endorsement to contact the State Legislators Senator Katie Stine, House Representative Joe Fischer, and the Department of Transportation stating the very clear need for a stop light at Buning Lane and US 27.** Letters of endorsement from the condominium association will also be attached to this. Several months ago the request was denied from the state, but with the Granite Spring project building out more and more it is important that we have the light now. **Stuart Oehrle made a motion to approve this resolution.** Rob Moore seconded the motion. All were in favor. **Motion carried.**

Tom Benke reported on the hazardous pension rates for the police department for next year. They are increasing from 28.16% for this year to 33.87% for next year. Mayor Stoeber stated that two years ago it was at 25%, and it looked like a 3% increase for the following year, but it actually was a 12 to 13% increase. We have ten officers. That pension increase alone is worth half or more of the salary of one officer. These pension increases are beginning to seriously impact the safety and security of our city. We are a growing city and can absorb these costs, but some of these cities are in frozen or declining revenues still have these same pension increases. These significant increases may determine the hiring of new officers, or cutting certain services in many of these cities.

Police Chief Ed Burk reported that he has contacted the State Highway Department and they have changed the timing of the light at US 27 and Crossroads Boulevard, and they have installed a manual override so that officers can access the lights if there is a traffic backup at the shopping area during the Holiday Season. At this point in time Chief Burk does not find it necessary to redesign or change the shopping center entrance, but they will be keeping an eye on it when the school opens up.

Chief Burk also wanted to address our citizens during this Christmas Season when everyone is busy with their shopping that there are ne-er-do-wells in this world who are looking for people who are not paying attention. He encourages everyone to pay special attention to where they park, lock everything in the trunk or out of view, and when you are shopping never leave your handbags in the carts, keep your purses closed and tucked under your arm, never flash money. Take extra precautions and if you that is in any way suspicious, notify the store managers or phone the Campbell County Dispatch at 292-3622 or 911, who will contact our officers.

Rob Moore saw that a grant was received for two new cameras, for the Police Department. Ed Burk stated that these cameras were on a matching grant. He will have saved enough money on the TEA Grant to be able to put up the matching \$2,500 with no problem. These cameras will be placed in two of the cruisers and will record what the officers are doing, use the as training tools for new officers, and can be used for pursuits and will help defray legal costs and issues that sometimes arise.

Lou Gerding asked that Public Works Department go back and check the streets and sidewalks in area on Crossroads Boulevard where they are building the new school. They have cut the sidewalks and installed a water valve. The pavement looks like it may be sinking in so the fill should be inspected. One of the catch basins looks like it has been torn up. The state is doing the inspections, but we need to make sure that they are doing this work to our standards. The construction trailer has been moved, but there is still the dumpster sitting on the roadway that should be moved. The PNC Bank pavement has some low spots also,

Also Lou Gerding stated that at Madonna and Dodsworth there is construction on our right-of-way and cut our sidewalk. It is a very deep trench. Rita Seger stated that Duke Energy did get a permit to work in the city right-of-way. Lou Gerding said our Public Works Director needs to inspect and follow up on this.

Stuart Oehrle said that it does look like Public Works has repaired the damage done to the playground equipment back in the Glenridge Subdivision. He asked if the school has to clean up the roadway. Also, once you get past Staples there are very high weeds and grass around the sidewalks and none of that was cut. Mayor Stoeber will have Walter Blair work on that.

Dave Guidugli stated the sidewalk from Buning to Springhouse is done. A wall does have to be built yet and some work done on the sprinkling system. It will probably be ready for use by the end of this week.

Dave Guidugli said the properties on Pooles Creek need to be looked at by the Code Enforcement Officer.

Lou Gerding asked about the property next to Campbell County Auto Body and what was the status. He also wondered why the full size trees were being removed. Brandon Voelker stated that the issue of the back area to that property still as to be resolved. Council authorized them to proceed with clearing and grading. They are going to comply with our Tree Ordinance but some of those trees have to come down for their building. They will not be doing anything else until they come back to the city for a retention/detention/or creek. One of the issues was to get rid of the R-3 zoning. They will agree to make it single family with the agreement that they be able to have the one drive thru and one gas. They stated that they give us the back property if we want to accept.

Lou Gerding stated that he wants the city to look at the property and the site plan. Mayor Stoeber stated that the question here tonight is that the developer is doing what they are allowed to do within their legal rights. The issue is the back part of the property. Any other form of development needs to go before Planning and Zoning for Stage II.

Mayor Stoeber stated that the swearing in of Council will be done on December 11th and not in January.

Dave Guidugli asked that Walter Blair be contacted about the issue of the ditching along the north side of the exit at Crossroads Boulevard, where they ditched to put some electric in and it has never been finalized. There is rocks and dirt along there.

Rob Moore checked with Tom Benke about any grants that needed to be completed by the end of the year. Tom Benke stated that he will be speaking to Paul Bogen about tree grants, because they do want to try to get into Tree USA again. There are some requirements that have to be in by the end of the year.

The attendance prize of an American flag and pole was awarded to residents Megan and Steve Roach.

Rob Moore made a motion to enter into Executive Session per K.R.S. 61.810 C Litigation and Executive Session per K.R.S. 61.810 F Personnel and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

A motion was made by Charles Gray to come out of executive session, and seconded by Kathy Noel. No action was taken. All were in favor. Motion carried.

A motion to adjourn the November 27th meeting was made by Lou Gerding and seconded by Rob Moore. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

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