

**Cold Spring City Council
Special Meeting
May 15, 2013**

The special meeting of the Cold Spring City Council, as advertised, was called to order at 7:30 pm by Mayor Mark Stoeber. Roll call showed the following 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 Steve Taylor and City Attorney Brandon Voelker. Mayor Stoeber stated that for special council meetings we can only deal with the issues on the agenda, however, since this is a caucus replacement, we did build in citizens comments before and after the business items.

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

Citizens comments were invited. Steve Trauth addressed council. He thanked council and the administration for the positive gesture of putting up the information regarding this special meeting for the budget on the city marquee. We have a few more guests than normal, which is the purpose of having this notice posted. He had questions about the property purchased on Alexandria Pike, across the street from East Alexandria Pike, and how this fits in with the city's comprehensive plan. Mayor Stoeber stated that it is a very valuable and vital piece of land. This purchase is for street control at that intersection, giving the city a say on any development that may occur in that area and how the streets could connect at this four way intersection. Also, Granite Spring still needs an official second exit and there has been loose discussion about having this as a possible second exit and take traffic away from Matinee Boulevard. It fulfills a variety of strategic issues.

Brandon Voelker stated that we received a sum of money from Fischer Development for the future development, which we used to purchase this house. This money was to provide for a second access point. Mayor Stoeber stated that technically, the money we spent to purchase this house did come out of reserves, but that is because the money provided to us from Fischer went into the reserves. It was allocated solely for the purpose of providing a second exit.

Steve Trauth questioned if the city has to develop a street going back to Granite Spring, or if Granite Spring has to bring the street out to this intersection. He also questioned the maintenance and upkeep of the house and if there will be a budget line item for this. Mayor Stoeber said that Fischer Development was willing to build a street, but the only options at that time were impractical or immensely cost prohibitive, so the approval and settlement by council was that Fischer would provide money for the development of that street, and then Fischer was done with it. We cannot answer who will build that street, but by the city having that location, most probably there will be a developer who has a very keen and important interest in that street. Right now the city doesn't have the intent of building a street. We are looking down the road. Mayor Stoeber stated that we are going to level the house, hopefully by the end of June. The city has received bids on this job which will be brought before council.

Resolution 13-02 was read, endorsing the Municipal Aid Road Fund Contract for the fiscal year 2013-2014. This is part of the MARF public hearing that we had on April 22, 2013. Rob Moore made a motion for approval and Lou Gerding seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Ordinance 13-995 was read in summary form for the first time, for the approval of the amended budget for the 2012-2013 fiscal year. Dave Guidugli made a motion for approval, and Kathy Noel seconded the motion. Lou Gerding questioned where the purchase of the house fell in the budget. Steve Taylor stated that it was a capital line in administration. Mayor Stoeber stated that the cost of the demolition was built into the amended budget as well. Lisa Cavanaugh questioned the cost of the demolition and the purchase price. Mayor Stoeber stated that the demolition is anticipated to be around \$15,000 to \$20,000. We purchased the property for approximately \$103,000. Roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.**

Ordinance 13-996 was read in summary form for the first time, for the approval of the budget along with the pay plan for the 2013-2014 fiscal year. Lisa Cavanaugh made a motion for approval and Dave Guidugli seconded the motion. Discussion followed.

Councilmember Cavanaugh asked if the administrative salary expense included the administrative officer's salary, if the budget was based on the compensating tax rate or on the 4% increase in property taxes, if the payroll tax shows a possible projected increase due to the new nursing home, and if the liquor license \$15,000 reduction was just from the closing of Guys and Dolls or were there other places that shut down.

Steve Taylor stated that he is not salaried, but hourly and his wages are included in the administrative salary expense. The budget is based on last year's tax revenues which were then projected for this year. We do not yet have a compensating tax rate. The budget assumption is that it is a flat budget year after year, and the difference between last year and this year is simply the reduction of the waste services per our contract. The nursing home is not planned to open until fiscal 2015, so there is not an increase for payroll tax on this budget. The liquor license for Guys and Dolls is a significant portion of the reduction because they converted their license from a restaurant license to a "by the drink" license which is much more expensive. There was also change of ownership on a Mexican restaurant with only a few months revenue on that. Primarily it was driven by the change and ownership of Guys and Dolls. Adam Sandfoss asked if this also included the closing of the Discount Liquor and Tobacco store. Steve Taylor stated that is true, but it was minor compared the big driver of Guys and Dolls.

Lisa Cavanaugh questioned the list showing the contracts on the administrative office, city attorney, and finance and where they show up in the budget, the reduction in capital outlay from \$30,000 last year to only \$4,000 this year, and if the city cell phones were under one contract. Steve Taylor replied that the contracts are all under the administrative budget. On the capital outlay last year we had considered a project to digitize historical records for the city but the effort, equipment and software to do that was not practical for the budgeted amount, so we have abandoned that project. The \$4,000 that you see is to put fireproof files cabinets on our records room. The cell phones are all under one government contract with Sprint Nextel.

Councilmember Cavanaugh questioned if the insurance rate increase of 7% for life and dental was included in the overall salary raise plus pension. With the increase in that, then employees get more than a 3% raise. The health insurance has a 20% projected rate increase. Dave Guidugli stated that employees are paying 25% of that increase.

Ms. Cavanaugh referred to the vehicle expense and questioned who does the work on the city vehicles. She questioned what the meal expense was for, and asked for clarification on the Park Board Expense capital outlay, which shows nothing on the summary page but shows \$1,500 on that line item for the Art Show on the next page. Chief Burk stated that currently we have Kenton County Fleet service the vehicles and sometimes it is Chrysler or Ford. Mayor Stoeber stated the meal expense is for when the officers attend training. Steve Taylor stated that that the expense for the Art Show was moved to its own line, so that is an error, but the detail summary on the front page is correct.

Ms. Cavanaugh questioned what the publicity expense for the Park Board covers. She also questioned if the event for the Kentucky Symphony Orchestra was under the same line item as the Concert in the Park, and questioned funding. Steve Taylor replied that the publicity expense for the Park Board is unknown at this time, It could be for new signage, advertising a new event, or things like that. Ms. Cavanaugh stated that in the past, the cost for the signs for each Park Board event was built into the budget for each event and were not an additional cost to each event. If we needed additional money then we went to another item. Mr. Taylor stated that we have no signage expense for the Concert in the Park this year, nor signage for possibly two new events that the Park Board is talking about. Relating to the Symphony, he stated that it is under the same line item as the Cruise in/Concert. Ms. Cavanaugh reviewed past Cruise in/Concert events where the Park Board recouped most the entire expense of the event by charging for parking and she questioned if the city will try to recoup some of the money for the Symphony. Part of the problem that the city had when they cancelled the Cruise in was because they did not want to put out our taxpayer money for an event when so many of the attendees came from outside of the city. Mayor Stoeber stated that the intent is to not only be conservative but to get corporate sponsors for the event. He verified with Councilmember Cavanaugh that at this time we have no sponsors lined up. This was budgeted as explained to finance and council, and council as a whole voted on this particular budget item. It would be inappropriate to say we could raise enough money for this event. The only thing that we do know is that the cost will not be more than \$10,000 but could be less. Best efforts will be made to raise monies for sponsorships.

Mayor Stoeber stated that while he wants to answer all of Councilmember Cavanaugh's questions as we move through this process, she already had the opportunity for this by thorough review of the budget. It went through the departments twice, it went through finance twice, it came before city council as a whole and she had the budget at least a week before the meeting. The purpose of this meeting is to essentially vote. We have a first and a second. Mayor Stoeber stated that he leaves it up to council as to how they would like this discussion to progress. At this point, Councilman Rob Moore stated "*call the question*".

Mayor Stoeber stated that when a council member *calls the question*, which is a technical term, the councilmember discontinues conversation on the topic and is calling for the vote. As chair of the meeting, he must now honor that request. Councilmember Cavanaugh stated that council only met one time. Her point is that she is new and while she did get the budget a

week before she still has follow up questions. She stated that the mayor is basically saying that she is not being allowed to finish her questions.

At this point, Councilman Lou Gerding called "*point of order*". He stated that this was all presented to council at an open meeting, line item by line item. Mayor Stoeber explained that to *call the question* stops discussion and the *point of order* basically means from a council standpoint that the mayor, as chair is not doing his job by stopping discussion. He needs to follow the rules. Ms. Cavanaugh stated that she understood and would expect him to do that.

Roll call vote showed five yeses and one no – Lisa Cavanaugh. Motion carried.

The next item on the agenda was for discussion on chickens in the city. Mayor Stoeber stated that Lisa Cavanaugh had raised this question at a previous council meeting which is why it is an item on this agenda. Ms. Cavanaugh stated she did not ask for this to be an agenda item, but she just wanted to know what the rules were regarding this. She did receive a copy of that regulation in her packet. No other council members had further discussion on this issue.

Mayor Stoeber called for any follow up citizens comments. Steve Trauth questioned when the citizens could view the new budget. Mayor Stoeber stated that it would not be the official budget until the second reading occurs on May 28th and the publication which will occur on June 6th. It will then be online.

Resident Cindy Wehry addressed council and asked if we were allowed to have chickens in the city. Chief Burk stated that we very seldom have to regulate this unless there is a complaint. They must be located no less than 100 feet from the property lines. She verified with the mayor and Steve Taylor that the Kentucky Symphony Orchestra will be here on August 10th and that there will be no charge to the residents. Adam Sandfoss stated that we will post signs and banners, and it will be in the newsletter as well, just to encourage citizens and their families to attend. People outside the community are welcome as well. While our citizens as taxpayers are paying for this event, when others come to the city and see what a great job we do, it encourages them to perhaps move into our community, and provides a great chance to showcase our city. The cities around us put on so many great events and combined it shows this region in such a way that it makes people want to stay. It brings in more tax dollars so that we can continue to put on events such as this that showcases our values and morals. Ms. Wehry stated that her family moved into our community because they enjoyed our parks so much, and this motivated her to join our Park Board at the time.

Ms. Wehry stated that she read an article about Devanna's on the Lake, and that this will be a great asset to our city and fills a definite need for this in the community. Mayor Stoeber stated that they are currently doing a soft opening, and it is more of a reception / banquet hall. The official opening will be June 5th from 5 to 9 pm.

Mr. Duvall of Farview Court addressed council and questioned if we were still pursuing a traffic light at the AA Highway at the Glenridge Subdivision. Sometimes trying to get out is like playing Russian roulette and they really need to have a red light there. Mayor Stoeber reviewed the actions which we took with Kentucky Transportation Cabinet two years ago. The state was resolute on their decision not to place a traffic light there based on statistics, houses, flow of traffic back and forth, and traffic accident information. Mr. Duvall doesn't want us to give up on this because he is afraid that someone will get killed there.

Council comments followed. Lisa Cavanaugh questioned how many comments she was allowed to have. Mayor Stoeber said each councilmember was allotted five minutes. Councilmember Cavanaugh stated that a resident voiced his concerns about the trucks on Pooles Creek Road and wants to know what can be done, if anything, to change the restrictions. Damage is done to the road by heavy trucks which are fixed by taxpayers dollars. She questioned if they can they be made to go up the AA Highway to 275. There are many elderly people living in Chardonnay and if someone were to misjudge how fast the trucks were speeding up or down that hill someone could be killed. Mayor Stoeber stated that the recent signage and road improvements were the result of extensive work and petitions made two years ago by council, residents, the cable board, Councilman Dave Guidugli, and the Fire Department to have some changes made. Dave Guidugli stated that the truck traffic is very minimal right now. Since they put signs on the AA and 1998 the large trucks have basically routed around it. Mayor Stoeber stated that the state will not prohibit trucks on that roadway because it is a state highway, but the city did take proactive measures, and sent a letter to LaFarge who has been very cooperative in trying to keep their trucks off of Pooles Creek. All Rite Concrete has responded to our letters and keeping their trucks off of there. As we identified the major users, we reached out and asked them to stay off this road for safety reasons. Now the occasional truck that you see going up and down is someone who gets traffic directions from their GPS devices which routes them through this area.

Lisa Cavanaugh stated the same resident would like to see more police sitting at the school zones. People fly through that school zone and do not abide by that 25 mph speed limit. She has not seen a police officer sit there for quite a while.

Another resident had commented to her that since the county has a tax supported health program why is the city also having a health program. Mayor Stoeber stated that the technical answer to the question is that council saw the need and approved the program. The original impetus was to tailor the health needs and concerns directly to the local residents and to be adaptable. The city is not providing health care, but health information. Ms. Cavanaugh questioned if council wasn't supposed to have a discussion on the health program after their input via e-mail to the mayor, to decide exactly what was supposed to go in the budget for the health and wellness program. She presumed that it would be at this meeting.

Mayor Stoeber stated that this is not how he remembered it. At the last meeting he asked council to provide him feedback regarding the health and wellness program and that it would be approximately \$6,000 based on the e-mails that he received back. He put \$6,000 in the budget. Ms. Cavanaugh stated that council didn't get a chance to talk about it as a group.

Mayor Stoeber stated that he timed her at eight or nine minutes. He stated that since she is new he wants to explain further. On the council agenda, the council comments item in general is mainly for informative type comments or questions and he gave some examples. If in fact there is a topic, typically that topic is asked to be on a caucus meeting agenda and addressed as a topic. The basic rule of thumb is that if it is a direct comment it falls under council comments. If it is an issue that requires back and forth debate, then that is something for a caucus item because that is a working meeting.

Adam Sandfoss stated that when we have things on the caucus agenda, it gives council the opportunity to get their ideas straight and accurate and so that enough time can be allotted to each person rather than crunch discussion to five minute increments for each. It gives us time to discuss the issue in full and make sure everyone's questions and concerns are answered. Ms. Cavanaugh questioned when she will get the opportunity to have all of her questions answered and if each one of her questions have to come up as an agenda item. Mayor Stoeber stated that if she wishes to have a discussion for example on the health initiative, that issue has some breadth and depth to it for a whole lot of reasons. That is a discussable type topic which requires debate, research, or any type of preparation, and it would typically be asked to be a caucus item because there is a lot of background, scale, and scope. It is not an anecdotal comment.

Ms. Cavanaugh requested that this health initiative discussion be placed on the June caucus agenda, because she still has questions. She verified that this discussion would be after the budget has been passed. She asked if she will be given an opportunity to have all of her questions regarding the budget answered before the second reading. Mayor Stoeber stated that right now there is not a formal process to have that but she can request a special meeting, at the approval of council. A council meeting is for the council and the mayor's role is to facilitate how council as a body wants to operate. Ms. Cavanaugh stated that basically she is being told that she will not have the opportunity to ask her questions from the residents.

Lou Gerding stated that there are trucks parking overnight at Krogers and Home Depot. Chief Burk said he will look into this. Councilman Gerding also asked him to check for signs that Meijers has put up. He thanked Steve Taylor for the report he requested on the additional money in the reserves. He commented that the section of road where the storm sewer was just replaced on East Alexandria needs to settle and after that they should go back and take care of it.

Kathy Noel stated that Stan Schultz stopped in tonight to let the mayor and the chief know that our officers did a good deed helping him with his vehicle. There are people out there who appreciate getting help, so please pass this along to the officer. She stated that it was very nice of Mr. Schultz to stop by.

Mayor Stoeber echoed Councilmember Noel's comments. This is especially satisfying because the officer was one of our new recruits, and this is what you want to see out of your new officers. Reflective of our chief and our hiring process, we are picking up officers at an early tenure and instilling the fundamentals that you want to have from them as a lifetime officer. This recruit officer went over and beyond, to the point where this Camp Spring citizen stopped back twice to thank the city.

Lou Gerding made a motion to adjourn the May 15, 2013 special meeting and Rob Moore seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor:

**Cold Spring City Council
Special Meeting
May 28, 2013**

The special meeting of the Cold Spring City Council, as advertised, was called to order at 7:30 pm by Mayor Mark Stoeber. He stated that this special council meeting was moved from the regular council meeting on Monday to Tuesday because of Memorial Day. While we have tailored the agenda toward a general meeting we do have to follow the rules under K.R.S. as far as action council takes, and therefore cannot do additions or deletions from the agenda. Roll call showed the following 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 Steve Taylor and City Attorney Brandon Voelker.

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

Items of interest to the community were reviewed by Mayor Stoeber. The Trunk Sale was held on May 11th. Since we had inclement weather it was moved from the ballfield up to the parking lot in front of the city building. It was an excellent time, and another Trunk Sale will be held in September. Also on May 25th the third annual Art in the Park was held at our Municipal Park. This featured the art of our three grade schools in the city, Cline Elementary, Crossroads Elementary, and St. Joseph School. There were wonderful pieces of art and some afternoon performances by the school children. It was well attended.

The Health and Wellness Expo will be held on Saturday, June 15th from 11 am to 3 pm. This year it has been moved from the Municipal Park to Crossroads Boulevard. The tenants have been very cooperative in allowing us to have the expo on their outside parking lots next to Crossroads Boulevard.

The Park Board has begun their Movie in the Park series, with the first movie being on the evening of Saturday, June 15th. The featured movie will be Escape from Planet Earth and will be held in the field behind the city building beginning at dusk.

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

The minutes of the April 22, 2013 MARF public hearing were reviewed by all. Lou Gerding made a motion for approval and Rob Moore seconded the motion. All were in favor. Motion carried.

The minutes of the April 22, 2013 regular council meeting were reviewed by all. Adam Sandfoss made a motion for approval and Kathy Noel seconded the motion. All were in favor. Motion carried.

The minutes of the May 15, 2013 special council meeting were reviewed by all. Lou Gerding made a motion for approval and Rob Moore seconded the motion. All were in favor. Motion carried.

There were no citizens comments.

Ordinance 13-995 was read in summary form for the second time, adopting the amended budget for the 2012-2013 fiscal year. Kathy Noel made a **motion to adopt this ordinance** and Dave Guidugli seconded the motion. Roll call vote showed five yeses and one no – Lou Gerding. **Motion carried.**

Ordinance 13-996 was read in summary form for the second time, adopting the budget along with the pay plan for the 2013-2014 fiscal year. Rob Moore made a **motion to adopt this ordinance** and Kathy Noel seconded the motion. Lisa Cavanaugh asked Steve Taylor to clarify the \$6,000 discrepancy between the summary sheet and the worksheet which she brought to his attention after the meeting. Mr. Taylor stated that the line item that was missing was the \$6,000 which was added for the health and wellness initiative. It is now included in the proper account. Mayor Stoeber clarified that the actual numbers that were contained in the original ordinance vote were in fact accurate, and it was basically an administrative detail issue. Steve Taylor confirmed that the numbers reflected on Ordinance 13-996 stand correct, and the numbers presented tonight are identical to the numbers presented at the first reading. Roll call vote showed six yeses and no noes. **Motion carried.**

The next item on the agenda is the acceptance of the demolition bids for the residential property that the city purchased several months ago. Brandon Voelker explained that the reason why this is being brought before council instead of just the

subcommittee is because there were issues with the EPA. The City had the house inspected and there was asbestos in the tile on the first floor and in the basement. We issued a bid request for total demolition of the house and ensuring compliance with all EPA rules and regulations. The concern was that no one in the city is an expert in the EPA field and we didn't want to embark on pulling out the asbestos but wanted basically a turnkey operation. We received three bids on this job. The first one said flat out that it excluded EPA which is the whole reason why we put this out for bid. The second bidder just said it was the complete bid and did not say it was EPA compliant. Mr. Taylor contacted that company and was told that they phoned the EPA who said they were fine to just tear down the building. By just wetting down the asbestos, that would solve the problem. Mr. Voelker stated from his knowledge of asbestos removal that there is more involved than just wetting it down. He phoned architects Ehmet Hayes who build various schools, libraries, etc., and was told that it is best to have a company come in and certify compliance with the EPA. They stated that everything should be pulled out and properly disposed of. Then nobody can come back and say there is asbestos in the ground or that it became airborne. Mr. Voelker reviewed the EPA demolition regulations for council. He stated that Ehmet Hays told him that there is no way that we can demolish the house without having some breakage of the asbestos tiles, and that to err on the side of caution you will spend an extra \$3,000 but you will get a certificate of compliance and have an EPA approved vendor come in and verify that all asbestos has been removed before the house is taken down. Mr. Voelker stated that the third bidder, Paul Davis Company, did have a third party come in and test the asbestos and found that the tile had a 5% level of asbestos. While it may not be the lowest cost Paul Davis is the best bid to ensure compliance with the EPA.

Dave Guidugli asked if we specified a time frame on this project. Steve Taylor stated no, but we will attempt to have the building taken down by the end of June. **Councilmember Dave Guidugli made a motion that the City of Cold Spring contract with Paul Davis in the amount of \$21,605 to demolish the building.** Rob Moore seconded the motion Brandon Voelker stated for the record that Paul Davis was the best bid for this project based on the discussion tonight. All were in favor. **Motion carried.**

There were no follow up citizens comments.

Council comments followed.

Lisa Cavanaugh stated that she has been out in the city meeting residents and she has enjoyed it very much. She is getting a lot of positive feedback, and she wants the residents to know that she is available to any resident. Call the city building to get her contact information.

Adam Sandfoss urges everyone to attend the Health and Wellness Expo on June 15th. He hopes for a good turnout. He and others will be there doing blood pressure screenings and things of that nature as well as doing different teachings about illnesses and things to be careful of in the summertime.

Rob Moore requested Steve Taylor check on a storm grate drain in Springside that has an issue.

Brandon Voelker stated that he recently applied for a building permit through Campbell County Planning & Zoning. He received his permit within two or three days. They were very helpful and made sure they had everything they needed. The fee chart was very reasonable and Mr. Voelker just wanted to let Council know that he was very pleased with this service.

There were no residents present to receive the American flag and pole.

Lou Gerding made a **motion to enter into executive session, per K.R.S. 61.810-C Litigation.** Adam Sandfoss seconded the motion. All were in favor. **Motion carried.**

Lou Gerding made a **motion to come out of executive session,** and Rob Moore seconded the motion. All were in favor. **Motion carried. No action was taken during this executive session.**

Kathy Noel made a motion to adjourn the May 28, 2013 special meeting and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: