

Cold Spring City Council May 22, 2017

The meeting of the Cold Spring City Council was called to order by Mayor Angelo Penque. Prayer and Pledge to the flag was led by the city clerk. Roll call showed the following council members present – Chris Ampfer, Lisa Cavanaugh, Lou Gerding, Brenda Helton, Michael Ruscher, and Adam Sandfoss. Also present were Administrative Officer Stephen Taylor, City Attorney Brandon Voelker, City Clerk Robin Sweeney, Police Chief Brian Messer and Ronnie Hitch, Public Works.

Mayor Penque gave the exit instructions, per Fire Department regulations.

There were two additions to the agenda.

Under items of interest, Senior Cookout Saturday, June 3rd from 5pm-8pm. There will be a band, food and drinks. RSVP so there is enough food. It is a FREE event. A woman from the audience asked what the age group is and Mayor Penque responded that anyone over 50 is welcome. Also, there is Veteran's assistance available at the city building on the 3rd Thursday of every month. This is for Cold Spring residents only so please spread the word if you know a veteran who may need any assistance. You can call the city building to set up an appointment with Mike Disney who donates his time to help our veterans. There will be a drawing for an American flag and pole at the end of the meeting. Chris Ampfer stated that he would like to make an addition to the agenda – discussion about the lake project. Lou Gerding stated he would like to delete item 10-A and move that to the next caucus meeting for discussion.

The April 10, 2017 council meeting minutes were reviewed by all. Adam Sandfoss made a motion to approve, Lou Gerding seconded the motion. All were in favor. **Motion carried.**

There were no scheduled guests.

There was no old business.

Under new business, **Ordinance 17-1036, was read in summary for the 1st time to approve the amendment of the Fiscal Year 2016/2017 budget for the City of Cold Spring.** Lou Gerding made a motion to approve. Adam Sandfoss seconded the motion. Roll call vote show six yeses, zero noes. **Motion carried.**

Ordinance 17-1037, was read in summary for the 1st time to approve the Fiscal Year 2017/2018 budget for the City of Cold Spring. Lou Gerding made a motion to approve the budget with a condition. The condition is under operating expense 52003 – the capital outlay from the public works department, that any expenditure over \$5,000.00 for the lake project has to come back to the City Council for approval prior to execution. Adam Sandfoss seconded the motion. Roll call vote showed five yeses, one no – Brenda Helton. **Motion carried.**

Ordinance 17-1038, was read in summary for the 1st time to approve the City of Cold Spring Pay Plan. Lou Gerding made a motion to approve. Lisa Cavanaugh seconded the motion. Roll call vote showed six yeses, zero noes. **Motion carried.**

As an addition to the agenda, Chris Ampfer wanted to talk about the lake project. Chris Ampfer discussed an outline that he received from the city engineer and asked if any council members had a chance to walk the lake and look at the property as they had discussed at the previous council meeting. Lou Gerding stated that he did not because of the NO TRESPASSING signs. After some discussion about walking the lake, Mayor Penque stated that if any council member wants to walk the lake, they should have a police officer escort them. Chris Ampfer stated that the total engineering cost for a handful of items is around \$20,000. Lou Gerding stated that there should be a public hearing set up so that council can get an idea of what the people really want at the lake. Lisa Cavanaugh stated that we go ahead and start the preliminary and engineering work now, the design and specific details do not need to be decided right now. Brenda Helton agreed that we should start on some of the line items to get the area cleaned up and made accessible so that a decision can be made later on what needs to be done. After much discussion about the line items in the outline from the city engineer, Lou Gerding made a motion to complete line items 1 through 4 using funds from the next year's budget. Lisa Cavanaugh seconded the motion. Roll call vote showed six yeses, zero noes. **Motion carried.**

Under follow up citizen comments, Teresa Lucas asked what lake council was talking about, Adam Sandfoss responded that it was the lake behind Cracker Barrel.

Clint Bradley, 5914 East Alexandria Pike stated he has major flooding. He said he has contacted the city, county, the state, and the sanitation district and everyone refers him back to the city. Mayor Penque asked if he lived in a flood zone and Mr. Bradley stated that part of his property is in the flood zone but that the house itself is not. He stated he is getting flooded because of poor maintenance and clogged culverts. Brandon Voelker stated that culverts are the responsibility of the property owner, and if someone upstream is causing problems it is that persons responsibility to fix. Mr. Bradley stated the city is causing the problem, he is getting flooded from run off of the ballfield. Steve Taylor added that it is a state maintained culvert, and it is taking water off of the city property as well as East Alexandria Pike and unincorporated Campbell County property that is across the street from Clint Bradley's property. According to the Link- GIS maps Clint Bradley's property is in the floodplain. Mayor Penque and Chris Ampfer agreed that this sounds like a state issue. Mr. Bradley showed Mayor and council a picture of a 4-foot culvert pipe that is constantly clogged. Steve Taylor passed out Link-GIS maps that show the property at 5914 East Alexandria Pike. Mayor Penque asked that Clint Bradley attend the next Stormwater Committee meeting on June 8th.

Dennis Glenn, 5331 Skyline Drive wanted to give a heartfelt thank you to inform the citizen and surrounding communities about the proposed treatment center off of Skyline Drive, had it not been for that information a lot of people would not have known as quick as they did. He supports the opposition of that. Mayor Penque stated that the council and himself are not against treatment. His concern is with the location. His heart goes out to those who are addicted and struggling and he supports treatment and the Brighton Center, but not at the proposed location. Mayor Penque told the residents that he even gave the Brighton Center other suggestions for locations in Cold Spring that are not in residential areas. Brandon Voelker referred to a memo that he wrote, explaining one of the issues with the location of Campbell Lodge. Campbell Lodge ceased to operate in 2012 and there has been no activity on the property, leaving it abandoned. There has been no intent to operate this property as a multi-family unit. Campbell County zoning ordinance 9.12(B) governs non-conforming uses, including termination and holds that the Board of Adjustment shall hold a hearing and after a period of six months of non-use or abandonment, the continuation should only be allowed if non-use was beyond the owner/operators control. Brandon Voelker does not know why the county has not fulfilled its obligation under its zoning ordinance to have a hearing conducted. It does not appear that the Diocese did anything other than board up the property. Assuming the zoning has lapsed they must examine whether the R-RE zone will allow it because the proposed rehab center is not a permitted use. The zone does allow for conditional uses, which are "institutions for human medical care-hospitals, clinic, sanitariums, convalescent homes, nursing homes, and homes for the aged provided they are located on arterial streets. Skyline Drive is not an arterial street and it like the road infrastructure needed. Dennis Glenn asked what direction the city is going to go next. Brandon Voelker said that is why there is a hearing on Thursday, May 25th to get public input. Mayor Penque added that the meeting is being held to get public input from residents that live in the surrounding areas. Again, Mayor Penque stated that he is in support of rehab centers but not in the residential areas. He also stated the roads leading back to the site are very narrow. Lisa Cavanaugh showed pictures of family and children walking and playing on the streets near the site and there are no sidewalks. Mr. Dennis Glenn said his wife measured the road and some parts of the street are only 18 feet wide.

Lloyd Rogers approached council and said that he is a realtor. If he were to try and sell a piece of property in Madonna Estates for example, he would have to tell the potential buyer that there is an external obsolescence (a factor that reduces the value of an improvement because of something external to the property itself). That will turn people away from wanting to live in Cold Spring, especially on that road. Mr. Rogers stated that he does feel like there is a need for a rehabilitation center because he has experienced it first hand with a family member, but it needs to be put in an industrial area rather than a residential area.

A gentleman in the audience asked what action will be taken after the meeting on May 15th at the First Baptist Church. Mayor Penque stated that it will be discussed at Caucus. Brenda Helton added that it would be a month until any action could be taken, at the next council meeting.

Another gentleman who lives next to Campbell Lodge gave Brandon Voelker a press release that he received saying that the deal is done. He also asked what can be done at this point to try and stop it.

Brandon Voelker stated that his understanding is that this is a private transaction between Brighton Center and The Diocese, the county is not involved. There is a provision under open meetings that if you are discussing the sale of real estate that you can go into an executive session. The Fiscal Court said they could not discuss it in a public meeting because they were applying for a block grant to help funding. He added that there is a purchase agreement, it is not a done deal just yet. He believes the press release was a response to the City of Cold Spring having concerns. Mayor Penque added that he does not believe that it is a done deal yet because he gave the CEO of Brighton Center other locations to consider and that they are going to look into that. In response to asking what can be done to stop this, Brandon Voelker said that the residents on Skyline can join together to try to be annexed into Cold Spring or Crestview, or use the zoning issues, if they are inappropriate, to go to court. Also, he said that the city was advised by the judge executive that there was not a zoning issue. The city respectfully disagrees with that. Lou Gerding said that the adjacent property owners have more power than the city does.

Ray Gibson, at 5340 Skyline Drive is concerned about something coming through the back door and rubber stamping this. He is worried that they could be kept from attending a meeting or approve this without the residents input. Brandon Voelker responded and said that if they are planning to use tax dollars to hire a company to solicit grants for funding, then that should be conducted in an open meeting.

A woman approached the council and questioned if they will be notified when or if there is a hearing about changing the zoning. Brandon Voelker told her that a Board of Adjustment hearing would have to give notice to all adjoining property owners.

The property has to actually touch the property in question. It would also be published in the newspaper and signs would be placed on the property.

Dr. Mark Schroer at 100 Leisure Lane announced that he is for the rehab center. He said that we need to do something about this war on drugs and we need to do it now. Dr. Schroer said we need to find a way to make it work, widen the road for example if that is a problem. Mayor Penque stated that it is a county road and we don't have the authority to do that. He also mentioned some suggestions that he made to the Brighton Center for different locations, as well as an alternate entrance to the center that the Mayor of Crestview suggested. Mayor Penque expressed his understanding of the problem that we have and that something needs to be done. He is in favor of rehabilitation centers, but that is just not a good location.

Larry Stange at 5569 Dodsworth, agrees that the proposed site is a poor location. He thinks that Cold Spring should annex that property and develop it to increase tax revenue.

Chris Ampfer said that we do not know the deed restrictions on that property so that could possibly be handcuffing The Diocese currently on what can be there. Brandon Voelker added that it would take the consent of property owners to annex it. Brenda Helton said the city has to be contiguous, and Cold Spring is separated from that property by county property.

Adam Sandfoss thanked everyone for coming to the meeting. He said the heroin and prescription drug problem has engulfed this area, and most people know someone who has been affected by the epidemic. He wants to make sure everyone comes to the meeting on May 25th to voice opinions and concerns, but also remain respectful of each other's views. Adam Sandfoss applauds the Mayor for providing the Brighton Center with different locations. That goes to show the city is not opposed to rehabilitation.

Department reports were submitted in writing.

Under Council comments, Lisa Cavanaugh was concerned by the fact that no other locations were ever considered. She doesn't understand why the Brighton Center needs all of that real estate, and she doesn't believe they will keep all of that property. Her concerns relate to location, location, location. She thinks a newer updated facility in a feasible area would be a better choice. Lisa Cavanaugh wants honesty and she wants to hear what kind of problems this program has run into in the past and how they handle those. She asked if these people go to this rehab center voluntarily. Mayor Penque replied that the judge sometimes gives options of jail or rehab. Brenda Helton asked about an invitation from the City of Crestview to attend in the Memorial Day Parade and if we plan to participate. Mayor Penque said he has not heard anything about it as of yet. Michael Ruscher thanked everyone for attending the meeting. He encourages everyone to be present Thursday May 25th to let your voice be heard. Whether you are a resident of Cold Spring or not. Lou Gerding said he has never been against the lake park project, he was 100% against the Cracker Barrel but not the lake project. Chris Ampfer asked who would be in attendance at the May 25th meeting as far as the Judge Executive, Brighton Center representatives etc. Mayor Penque stated all of council will be there and he invited the Mayor of Crestview as well. He anticipates the Brighton Center CEO will be there and the Judge Executive as well. Mayor Penque added that this meeting is for people who are for and against the rehab center to voice their opinions. A woman in the audience asked if the state or federal government has any input into this situation at this point. Brandon Voelker said that it depends, but it is possible.

Under Mayor's comments, we as a city are very concerned about the epidemic and feels that we need to do all that we can to help. The city is behind helping these people, we just need to find a more suitable location. Mayor Penque thanked the finance committee for the hard work on getting the 2018 budget together, especially the city administrator. There will be a meeting regarding the Comprehensive plan on May 24th for anyone that would like to come and give any input on the city's growth. The Senior event is June 3rd, please come for free food and entertainment, it is 5pm to 8pm.

Resident Laura V. from Goetz Drive won the raffle for the American flag.

Lou Gerding made a motion to adjourn the May 22, 2017 council meeting at 8:54pm and Lisa Cavanaugh seconded the motion. All in favor. **Motion carried.**

Approved:

City Clerk:

Mayor: