

## Cold Spring City Council January 28, 2008

The regular meeting of Cold Spring City Council was called to order by Mayor Mark Stoeber. Pledge to the flag was recited and prayer was lead by the City Clerk. Roll call showed the following present – Lou Gerding, Charles Gray, Rob Moore, Kathy Noel and Stuart Oehrle, excused – Dave Guidugli. Also present were Police Chief Ed Burk, Rita Seger and Brandon Voelker.

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

Mayor Mark Stoeber presented his **State of the City** address as required by K.R.S. He thanked the citizens of Cold Spring for allowing him to serve this community and he thanked council for their hard work, knowledge and energy. He reviewed events of 2007, a year of accomplishments and of loss, with the passing of our city clerk Carole Huber. Rita Seger was appointed to City Clerk, Nancy Bay moved from the Finance Office to the front office. Process enhancements led by Finance Director Tom Benke has allowed the city to potentially double the income interest earned on cash received. The Police Department led by Ed Burk is well positioned for our future growth. Two officers were promoted to sergeant positions. New vehicles and upgraded weapons were purchased. They received numerous commendations for the excellence performed by the officers. Mark Tumler is leading a very energized Public Works Department. The Parks, Recreation and Tree Commission had a very spectacular season. Special thanks to all members of the Park Board, and also thanks to Nancy Bay as Cruise In/Concert coordinator. Volunteers are welcome. Thanks to Sheila Bogen who is the head of the city's Operation Hug Committee, adopting a unit stationed in Iraq. One of those soldiers was killed in a roadside explosion and was honored at our Veteran's Day Ceremony. Two days ago we lost another of our adopted soldiers in a non-combat related injury.

Mayor Stoeber stated that the city is operationally very efficient and financially very stable. The fifteen year strategic plan prepares us for the near future and the growth that will continue ahead. Growth around our city limits will be affecting us. To the north, NKU has revealed a growth plan which will be quite a force for our area. To the south, Alexandria is forecasted to approximately double in size. There will be a tremendous influence of growth and economy with Cold Spring is right in the middle. The city must be in concert with these major influences and we must create a unique, visible identity and strong sense of community within the city. Mayor Stoeber will propose to council requests to enhance the city's identity in various ways. He is inviting residents to come before council and talk about the needs of their particular area, what they like and don't like, and provide a clear voice on how we can come together as a city of neighborhoods. Mayor Stoeber thanks everyone for the opportunity to lead the city.

There will be a drawing for a winter of a flag and pole for any Cold Spring resident who stays until the end of this meeting.

Ed Burk presented his annual report as to the **State of the Police Department**. He reviewed the participation by the Police Department at the various city events. They patrolled 163,125 miles on their cruisers in the past 12 months. He reviewed the various calls for service which they responded to, and also the increase of their assistance rates to other cities in the area. Chief Burk reviewed traffic activity and offenses within the city. Seventy one vacation checks were performed this year. Mobile Data Terminals have been installed in all police vehicles, including printers and scanners, and the officers can do the reports right in their car. He reviewed Part I, Part II and Part III crimes in the city.

The new four wheel drive vehicle purchased this year is particularly helpful in bad weather. Tasers were purchased and cameras on them show what they are used for. Video cameras were installed in the cars and are helpful in training and also citizen complaints on officers. Weapons have been standardized and sniper rifle system for the SWAT unit and a new computer tracking system have been purchased.

Two officers have been promoted to sergeants. Two new officers and one lateral officer were hired to replace officers that have left, with one additional new officer to be hired. The Police Department has renewed several grants and received a grant for night vision equipment. Chief Burk reviewed the training received and new assignments within the Police Department. Police Policies and Procedures were updated. He reviewed accolades received by the Police Department for their collective actions, as well as individual commendations received for their efforts. Chief Burk commended all of his officers and also commended council for donating the surplus cruisers and equipment to Booneville, and for authorizing unclaimed bikes given to Operation Hug and other charities. Chief Burk reminded everyone that if you see anything suspicion, or not quite right, call 911 for Emergency, or Campbell County Dispatch at 292-3622, or the Cold Spring Police Department during office hours at 441-9604.

Minutes of the special **December 10<sup>th</sup>** special council meeting were reviewed by all. Stuart Oehrle made a motion to **approve these minutes**. Kathy Noel seconded the motion. All were in favor. Motion carried.

Amy Weber, with NorthKey Prevention Center representing the Southern Campbell County Coalition addressed council. They are forming an anti-drug Coalition to determine the youth drug use pattern in Southern Campbell County. Because of the size of the county it is difficult to form one coalition so they break it down to make it more of a community effort. They plan to increase awareness on this issue, conduct a social marketing campaign, a youth to youth campaign to talk to community officials and parent groups to find out what the problem is and what they can do about it. A community collaborative effort is one of the most powerful efforts that can change a community. She reviewed the statistics on youth drug use within our area, and nationally. Ms. Weber invites everyone to their next meeting on February 8<sup>th</sup> at the Campbell County Board of Education offices at 8 am.

Sheila Bogen, Operation Hug Chairperson, read a letter from Captain Joseph Gallegos, Commanding Officer of our adopted unit, which thanked our community for sending the care packages, letters, Christmas stockings, and unconditional support during their deployment. Ms. Bogen also extended her personal thanks to a number of residents and contributors to Operation Hug. They gave much support, work and donations during the holiday season. A special thanks to Adwear Embroidery, who embroidered ballcaps at a special discount for a group of soldiers who were working with our fallen soldier 2<sup>nd</sup> Lt. Tracy Alger. To date 107 care packages have been shipped totaling 667 pounds of supplies. The third graders at St. Joseph collected half of what has been shipped. Sheila Bogen stated that another one of our soldiers, Sergeant Tracy Birkman died a couple of days ago from non-combatative causes.

**Ordinance 08-939, amending the occupational license ordinance to remove the exemption status for ministers, was read in summary form for the first time.** Rob Moore made a motion for approval, and Lou Gerding seconded the motion. Stuart Oehrle verified that this would put us in line with the county and the state, and county would take care of the notifications. Roll call vote showed all were in favor. **Motion carried.**

**Ordinance 08-940, amending the occupational license ordinance to exempt huckster licenses for city sponsored events, was read in summary form for the first time.** Charles Gray made a motion for approval, and Rob Moore seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

Discussion was opened on a proposed zone change to the Cold Spring Zoning Ordinance, on Area A, approximate 5.3 acre area located along the southeast side of Aqua Drive, approximately 200 feet southeast of Pooles Creek Road from R-RE to HC; and Area B, approximate 5.1 acre area located at the southwest corner of the intersection of Pooles Creek Road with Aqua Drive, from R-RE and NC to PO, Berberich. Mayor Stoeber stated that council could only deal with information received from the Cold Spring Planning and Zoning Commission, NKAPC Staff, or City Attorney Brandon Voelker. They could not receive input from the audience. Options are to accept, deny, or change the recommendation from Planning and Zoning. Discussion followed.

Lou Gerding requested clarification from Mike Schwartz, NKAPC, on the Areas A and B, referred to on the submitted plan. Mr. Gerding referred to the 2005 Comprehensive Plan land use plan map for Area A which shows the designation as "office" and stated that there is no reference to "commercial office" on the map. He directed council on the information received from NKAPC dated November 30, 2007 for staff recommendation at the December 12<sup>th</sup> public hearing, page 2, item 5, first sentence which he stated is incorrect. It should be "office" under commercial designation on the land use map for Area A.

Mr. Gerding verified that the number of office zones in the zoning book is only one. At the time the land use plan map was discussed, the land use designation in the Water District area was office use and this is why the site is identified as such. He stated that a point was made at the public hearing that most commercial businesses have at least a small office on site or within their structure, and this point was used as to why office use should somehow allow commercial use within the office use area of the land use plan map. Such logic does not make sense. The only type of office use in the zoning ordinance is professional office zone.

Stuart Oehrle questioned if Area A and B should be voted as one. Brandon Voelker stated that Planning and Zoning voted them as one, but they could be separated out. Stuart Oehrle read portions of the Comprehensive Plan relating to the land use in Areas A and B. He questioned this area which is identified as physically restrictive development area, and verified that throughout the Comprehensive Plan, the area is identified as Professional Office. The request in Area A is for Highway Commercial, and he asked clarification on the recommendation of approval by staff of this HC zone and what the requirements were for a zone change.

Mike Schwartz replied that that Staff, the Planning Commission and Council must find one of three things; 1.) Is the submitted zone change request consistent with the Comprehensive Plan as a whole? If the answer is yes, then the finding is made and the recommendation or the action by council can be taken. If the answer is no, then, 2.) Is the existing zoning inappropriate and conversely is the proposed zoning appropriate? If the answer is yes, then you go no further. If the answer is no, then, 3.) Have there been major changes of an economic physical or social nature that have occurred within the area that were not anticipated in the preparation and adoption of the Comprehensive Plan that basically warrants the zone change? If the answer to that is yes, then action can be taken. If the answer is no then you have answered no to all three questions and no finding can be made and the zone change is to be denied. In regard to Area A, Staff first made a finding that the request for HC zone is consistent with the transportation element, not the land use plan element, and they made the finding that the existing R-RE zone for Area A is inappropriate and the proposed HC zone is appropriate. They could not make the finding that the HC zone was consistent with the land use element of the Comprehensive Plan. Staff could not find a consistency with the land use element, and the Planning Commission did not make one. Planning and Zoning added a few more conditions to the staff requirements.

Rob Moore verified that these were the statutory requirements and the size of the land was sufficient according to the zoning ordinance.

Stuart Oehrle verified that all of the conditions are enforceable, especially condition 6 requiring buses and motor coaches to make a right turn from Aqua Drive until a time as Pooles Creek Road is realigned and improved. Brandon Voelker stated that this would be a zoning issue, enforceable by the zoning administrator as part of a condition that runs with this land, probably with the threat of revoking the certificate of occupancy or to levy a fine.

Kathy Noel questioned the uses that are prohibited or still allowed. Mike Schwartz said general low impact maintenance and cleaning of vehicles is allowed inside the buildings and major repairs will be sent off-site. Banks, car washes, off-street parking and garages, and police and fire departments are allowed. There are 12 permitted uses in the HC zone and 7 of them are recommended to be prohibited. Brandon Voelker stated that if this is approved, when they come in with a Stage II, it would be filed in the County Clerk's office as part of a certificate of land use restriction. Anyone doing a deed search on this property would know that there was a map amendment that was approved, and it would identify where those records of that action are kept. Kathy Noel questioned if additional conditions could be placed. She said Steve Taylor had submitted an e-mail to Planning & Zoning members, requesting that the applicant construct the road connection to Aqua Drive. Brandon Voelker stated that it could be required as a condition. Planning & Zoning received a dedicated easement, which the city would not be charged for.

Lou Gerding made a motion to approve Ordinance 08-941, first reading on map amendments for Area A from R-RE to HC; and for Area B from R-RE and NC to PO, subject to compliance with conditions 1 through 4 as recommended, and with compliance with condition 5 a. through g., with the addition of 5 h., within Area A that the following uses be prohibited: all major mechanical maintenance on vehicles must be conducted off-site, 5 i., within Area A an additional 50 ft. buffer between residential areas is established, 5 j., within Area A the car wash be limited to the vehicles leased, owned, operated by the property owner or tenant, and 5 k., that they construct the road that they used as a reason for the zone change in accordance with the comprehensive plan, or work out a deal where they bond it so that when it is constructed in the future that they pay for that. Wording is to be worked out between the attorney and the mayor. They will be subject to compliance with condition 6. Supporting information bases will remain the same through item 4, and item 5 a., b., c., d., e., f., g. be incorporated and add 5 h., no commercial car washes; and incorporate items 6. and 7. Stuart Oehrle seconded the motion. Roll call vote showed all in favor. Motion carried.

Mayor Stoeber stated that it was necessary to appoint officers for the Municipal Properties Corporation, since current terms expire January 31, 2008. Rob Moore made a motion to temporarily recess the current council meeting. Kathy Noel seconded the motion. All were in favor. Motion carried.

Rob Moore called the Municipal Properties Corporation meeting to order. Lou Gerding made motion to keep the current officers, Dave Guidugli as president, Rob Moore as vice-president, and Charles Gray as secretary. Charles Gray seconded the motion. Roll call vote showed all were in favor. Motion carried. Stuart Oehrle made a motion to adjourn the Municipal Properties Corporation meeting, and Charles Gray seconded the motion. All were in favor. Motion carried.

Kathy Noel made a motion to re-enter the January 28<sup>th</sup> council meeting, and Stuart Oehrle seconded the motion. All were in favor. Motion carried.

Stuart Oehrle requested the final Parks, Recreation and Tree schedule for 2008 for our website, which will be done. Mayor Stoeber questioned the Artisan Festival event. Paul Bogen stated that they are still working on it. They have had some positive feedback but not as much as they were hoping for.

Stuart Oehrle stated that he is planning on pursuing an idea that he had about green efforts in the city.

There was no one present from the city to receive the American flag and pole.

Motion to enter into executive session per K.R.S. 61.810 C - Litigation and K.R.S. 61.810 – F Personnel was made by Stuart Oehrle and seconded by Kathy Noel. All were in favor. Motion carried.

Motion to go out of executive session was made by Charles Gray and seconded by Rob Moore. All were in favor. Motion carried. No action was taken during the executive sessions.

Motion to adjourn was made by Stuart Oehrle and seconded by Charles Gray. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**