

## **Cold Spring City Council September 26, 2011**

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 – Lou Gerding, Dave Guidugli, Rob Moore, Kathy Noel, Stuart Oehrle, and Adam Sandfoss. Also present were 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.

Mayor Stoeber requested item 10 C. adopting the Campbell County 2011 Emergency Operations Plan and Support Plans, be moved to the caucus agenda since Police Chief Burk could not be present tonight to provide his input. Councilman Lou Gerding requested a hard copy of this document.

The September Yard of the Month award was presented to John and Julie Luscek, 201 Stonycreek Drive, by Parks, Recreation and Tree commission member Lisa Cavanaugh. She stated that their yard is on a corner lot and they have done a great job keeping all sides neat and tidy. Mr. and Mrs. Luscek received a framed photograph of their yard, and a Yard of the Month sign has been placed in their yard. They received a round of applause.

Lisa Cavanaugh stated that we will have our Day in the Park program on October 2, from noon until 4 pm at our Municipal Park. There will be plenty of activities, rides, petting zoo, inflatables, and the Fire Department will be there with their squad and safety house, and they will be giving a demonstration. Weather permitting, we will also have Air Care landing in our back ballfield.

As part of the Mayor's "Get Lean Cold Spring" initiative, Mayor Stoeber stated that last month he reached his goal weight of 210 pounds, but unfortunately gained four pounds this past month which he hopes to shed in time to be at his goal weight by November. Losing the weight is probably the easier part than maintaining it. He challenges everyone to try to take salt out of your diet. He stated that Park Board member Lisa Cavanaugh has done a fabulous job of "Getting Lean Cold Spring". Ms. Cavanaugh stated that she has lost fifty two pounds since January 13<sup>th</sup>. Her weight loss program has consisted mainly of getting up and starting to move, and making small changes to her diet.

Mayor Stoeber stated that the next step in the health initiative is a healthy cooking class, to be held in our Community Room on Saturday, October 22<sup>nd</sup> from 1 to 3 pm. We only have 45 seats available for residents. A chef will be there to show how to prepare the food, and he/she will also have food samples. Call the city clerk's office to register.

The Campbell County Fall Cleanup will be held on November 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. The hours are from 8 am to 5 pm on Friday and Saturday, and 8 am to 4 pm on Sunday. Trash and debris only are accepted at Penderly Park and the Campbell County Police Station. At the Transportation Department on Race Track Road, besides trash and debris they will also accept tires, batteries, propane tanks with stems removed, electronics, appliances, and scrap metal. No liquids will be accepted at any of these locations.

Trick or Treat will be held in the City of Cold Spring on Monday, October 31<sup>st</sup>, from 6 to 7:30 pm.

During the following month the Campbell County Library, Cold Spring Branch has a number of events, including programs such as: Like Water for Chocolate by Laura Esquivel; Adventure Club-Smart Cookie; a Class on Computer Basics; All the Way Home by David Giffels, The Time Machine by H.G. Wells; Introduction to the Internet; Adventure Club-NKU Chemistry Club; Duct Tape Memory Bag; The Ramler Renovation-Reviving an 1883 Italianate in Newport's Historic East Row; Adventure Club-The Frog Prince; Fall Teen Lock-in, and The Interpreter of Maladies by Jhumpa Lahire. Contact the Campbell County Library Cold Spring Branch at 781-6166 for more details.

There will be a raffle of an American flag and pole along with a health and wellness book to a resident who stays until the end of the meeting.

The minutes of the August 22, 2011 regular council meeting were reviewed by all. Lou Gerding made a motion for approval and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

The minutes of the September 19, 2011 public hearing/special meeting were reviewed by all. Stuart Oehrle made a motion for approval and Kathy Noel seconded the motion. All were in favor. Motion carried.

As part of the "Buy Cold Spring" promotion, there were representatives of two businesses in attendance to give a presentation about their business activity in the City of Cold Spring.

Whole Health Chiropractic was introduced. Dr. Jennifer Frees-See stated their office is located in the brick office building at the corner of US27 and Buning Lane, in the back of the building. She is a different type of chiropractor, and she does more of what is called force adjusting and she works a lot with children. She works with muscles, cranial and skull issues, jaw pains, headaches and she also works with weight loss and nutrition issues. Business is expanding and they are making use of a wellness center next door to their office, which has hypno-therapists and massage therapists, and they have a life coach who comes from P & G and does seminars on how to get your life on track. Her phone number is 859-442-7200.

Barleycorns Restaurant was introduced. Joe Heil was present and first wanted to relate some good experiences they have had with the City of Cold Spring and how appreciative they are to be in the city. About a year ago, they were robbed, and thanks to our Police Department and in particular Detective Chris Ratcliff, not only did they apprehend the people involved, but they are also serving time for it. It was very good work. Mr. Heil is also one of the organizers of the St. Joe's 5K Run, and he commends our Police Department for all of their help and cooperation during this event. Last Thursday night, St. Joe's Cross-Country had their annual meet at our Municipal Park. We have allowed them to use this facility for their meet, and this year more people than ever participated. What a hidden gem we have in this park!

Mr. Heil stated that Barleycorns opened in 1975 in Cincinnati, and since then they have spread their wings and have four locations. They are a family owned and operated restaurant and bar. Their success has been with a keen eye on growing revenue, great quality employees, and keeping profits in mind, with emphasis on customer satisfaction. Their goal is to bring their guests in twice a week. They employ 230 employees, and 70 of those are employed in Cold Spring. They sustain profitability with a close relationship with their suppliers, strict quality standards, and targeted marketing with some folks who are also locally owned. The focus in the kitchen is on training, portion control, accuracy with every order, and quality food presentation. His brother Ken and he became partners in 1997. They were born and raised in Newport, Kentucky and come from a family of 13. Their parents instilled in them a strong work ethic. Many of their brothers, sisters, and children have worked in their restaurants. He related a number of activities and Boards that he and Ken serve on. They also provide financial service to many of our local schools. Just recently they purchased their property in Cold Spring, which they have occupied since 1997. They are thankful for the residents of Cold Spring and the surrounding areas and certainly appreciate this opportunity.

**Ordinance 11-981** was read in summary form for the second time, **establishing the real property tax rate at .164 per hundred, the tangible property tax rate at .181 per hundred, and the motor vehicle tax rate at .169 per hundred for the fiscal year 2011/2012, and establishing the waste collection fee for 2011-2012 at \$183.00 per unit.** Mayor Stoeber stated that the rates for all of these taxes remain the same as last year's rates, and the waste collection fee is going up based on a contract which was signed two years ago. Stuart Oehrle made a motion to adopt this ordinance, and Kathy Noel seconded the motion. Lou Gerding verified the corrected ordinance number. Roll call vote showed six yeses and no noes. **Motion carried.**

The next agenda item was for **council to sponsor a text amendment for fireworks sales in the City of Cold Spring.** Stuart Oehrle made a motion for approval, and Adam Sandfoss seconded the motion. Brandon Voelker submitted a packet to council with wording regarding this issue.

Lou Gerding stated the fireworks wording under section 10.18 HC Highway Commercial Zone, #21 is misleading because we are asking them to put it into the HC\* zone and questioned if we should keep that wording. Brandon Voelker explained that the Cold Spring HC\* zone is actually in Appendix B of our zoning ordinance which are zones that have been annexed but have kept the county zoning. This is just for council's reference. Item #1 is to sponsor a text amendment to have Planning & Zoning hold a public hearing on the sale of consumer fireworks, and NKAPC will take the wording and change it around. The information that Mr. Voelker submitted is just to show council how it reads. Due to the nature of this, there will be a "pre-meeting" before the meeting to make sure the wording is correct. Action #2 is to add the text for the novelty fireworks and Action #3 is just to clean up text that had everyone concerned

Stuart Oehrle questioned if we would want to place the text for sale of consumer fireworks somewhere to make it in alphabetical order. Brandon Voelker stated that when you add text, you have to use strike-throughs and underline text so it might end it looking like a hodge-podge. NKAPC may take the wording and bump the numbers down and we should just defer to them. This information will be submitted to NKAPC by the City Clerk. The huckster issue is for future action.

Rob Moore verified that the date shown in Action #1 is just the date that the State passed the new law. Roll call vote showed six yeses and no noes. **Motion carried.**

Departmental reports were submitted in writing.

Chief Burk is in training this week.

Steve Taylor stated that the Water District has agreed to mill and replace pavement on six of the eight patches on East Alexandria Pike. We don't have a firm date but the head of engineering was here and agreed that the transitions were not well done.

Stuart Oehrle questioned if we will be taking care of the crack sealing on city streets soon. If anyone knows of issues regarding this, please contact the city. Steve Taylor stated that the contract has been awarded but we have to wait for dryer weather. We have a certain set of streets that will be crack sealed this year. Mayor Stoeber stated that there is typically a three year rotation because of the size of the streets.

Stuart Oehrle stated that this week there was a tremendous amount of water running over the culvert onto Pooles Creek Road, and verified that the State was responsible. Councilman Oehrle also verified that we are gearing up for snow removal.

Mayor Stoeber stated that our fall newsletter does address snow issues. Also, he has been in communication with a resident, Julie Geiman of Pooles Creek, who has been in direct communication with District 6 and the State Transportation Director addressing a variety of issues on Pooles Creek. She has done a great job. At this time of year, the road is as treacherous as winter because of the leaves and wet oil on the ground.

Dave Guidugli stated that Chief Burk gave him a report on the accidents on Pooles Creek Road, and from January 1<sup>st</sup> to September 9<sup>th</sup>, there have been twenty-nine accidents on a two mile stretch of street. That tells you how dangerous that street is. Stuart Oehrle stated that the large amount of trucks that go down Pooles Creek to the AA Highway is unbelievable. The State says they can't do anything about it. He has attempted to contact Senator Stine but has not heard back from her. He did speak to Representative Joe Fischer and to the people at the state. They were supposed to get a report of what they were planning to do on Pooles Creek by tonight, but we still haven't received anything.

Brandon Voelker stated that you can pass a resolution asking the State to prohibit the truck traffic on this road, but though it isn't binding you can take an official action. Stuart Oehrle requested that this be placed on the next caucus agenda. Mayor Stoeber related that Julie Geiman said she received feedback and because of a law passed by state about eight years ago it presents difficulty putting weight limits on streets. Dave Guidugli stated that we tried that several years ago and they turned us down. Brandon Voelker said they need to be cognizant of it now.

Adam Sandfoss verified that the bottom of Pooles Creek Road is in Wilder, and suggested that we could also get Representative Keene to help us out, and he agreed that these issues be discussed at the October caucus.

Mayor Stoeber again offered congratulations to our yard of the month winner, and he reminded everyone that this Sunday, October 2 is the Day in the Park.

Brandon Voelker stated that the city would like for our code enforcement board to write up some ideas for an ordinance that would create a penalty, in a civil offense arena, for realtors, restaurants, and other businesses who are throwing signs in the right of way, on the presumption that, even though we did not see them put the sign up, if it is advertising for their business then we can cite them and become more aggressive on this issue. Mr. Voelker stated he would like for them to come up with some recommendations to council so that council can pass an ordinance. Mayor Stoeber stated that there are a lot of repeat offenders that can be handled better through the code enforcement arena.

Lou Gerding stated that in correspondence, we received information about new sewer regulations for food service establishments and requested that this be forwarded to NKAPC. These new regulations don't go into effect until January of 2012, but NKAPC should know about these regulations ahead of time in case someone is drawing up plans now. This could be an added expense that wasn't there in advance.

Dave Guidugli stated that one of his neighbors told him that there were coyotes running in packs through their yard and wanted to know if the city could do anything. It doesn't seem that the city has any plans on how to deal with this. Do we contact the police department if they start attacking? Our animal control doesn't deal with wild animals. Mayor Stoeber stated that animal control could offer some good or even better advice than the police department on this issue. This is a difficult issue that is country wide. Steve Taylor will contact animal control.

The winner of the American flag, pole and the health gift at this month's meeting is Theresa Lucas.

~~No action was taken during the executive session.~~

Rob Moore made a motion to adjourn the September 26, 2011 council meeting, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**

**Cold Spring City Council  
Public Hearing / Special Meeting  
September 19, 2011**

A public hearing / special meeting, as advertised, was called to order by Mayor Mark Stoeber for the purpose of hearing comments from the public regarding the institution of proposed tax rates for the City of Cold Spring, as advertised pursuant to KRS 132.027. Roll call showed the following members present: Lou Gerding, Dave Guidugli, Kathy Noel, and Stuart Oehrle – excused were Rob Moore and Adam Sandfoss.

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

Mayor Stoeber opened the floor up to public comments on the tax rates.

There were no comments from the public.

**Ordinance #11-981 was ready in summary for the first time**, establishing the real, personal, and motor vehicle tax rates for the fiscal year 2011-2012, and setting the waste collection fee for the fiscal year 2011-2012. Steve Taylor explained that the compensating tax rate for real property is .163 per hundred, and the city is proposing a rate of .164 per hundred, which is the same tax rate as the last fiscal year. The compensating tax rate for personal property is .186 per hundred, which is what the city is proposing. Last year's rate was .181 per hundred.

Lou Gerding stated that it was his understanding after discussion at the finance committee meeting, that both tax rates for real and personal property would remain at the same rate as last year. Dave Guidugli agreed that all tax rates should stay at the same rate as the previous fiscal year.

Steve Taylor and Mayor Stoeber concurred and stated that this would be a very insignificant difference in revenue. Mr. Taylor stated that the waste collection fee last year was \$176.76, and the proposed waste collection fee this year is the contractual rate of \$183.00.

Mayor Stoeber stated that the waste fee is a zero pass through, and the city pays exactly what Rumpke charges us for waste pickup. He verified that council wishes to keep the real, personal, and motor vehicle tax rates at the same rates as last year, and the waste collection fee would be set at \$183.00 per unit.

Stuart Oehrle made a motion to approve **Ordinance 11-981, establishing the real property tax rate at .164 per hundred, the personal property tax rate at .181 per hundred, and the motor vehicle tax rate at .169 per hundred for the fiscal year 2011/2012, and establishing the 2011-2012 waste collection fee at \$183.00 per unit.** Kathy Noel seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Stuart Oehrle made a motion to adjourn the September 19<sup>th</sup> meeting and Kathy Noel seconded the motion. All were in favor. Motion carried.

**Approved:**

**City Clerk:**

**Mayor:**