

Cold Spring City Council March 26, 2012

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 Police Chief Ed Burk, City Clerk Rita Seger, Administrative Officer Stephen Taylor, and City Attorney Brandon Voelker.

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

Mayor Stoeber stated that the city's Easter Egg Hunt will be held on Saturday, March 31st, at 1 pm at our Municipal Park. Special prizes will be awarded to each age group and there will be treat bags for all. Bring your own camera for a picture with the Easter Bunny. The city is also putting on a Trunk Sale at our Carole Huber Municipal Ballfield on Saturday, April 21st from 9 am to noon. City residents should call the city office at 441-9604 to reserve a spot. Last year was our first Trunk Sale and it was very well received. Mayor Stoeber encourages our residents to participate. Campbell County will be hosting a Shred Day on Saturday, April 28th from 9 am to noon at the Disabled American Veterans Headquarters. Only paper materials will be accepted. Please phone the city clerk's office if you need additional information. Arbor Day will be celebrated on Saturday, April 28th. This will be held in the rear of Municipal Park at the shelter, and begins at 11 am. Free seedlings will be distributed.

As part of the Health Initiative, the Mayor's Monday Mile Walk will be in the Granite Spring subdivision, starting at Sunshine Park, at 6:30 pm on Monday, April 16th. We will walk a mile, get a little healthy, and have a chance to chat about the city or whatever you would like to talk about. Also, our second annual Healthy Cooking Class will be held on Saturday, April 21st. We plan to hold this at our City Building in the Community Room, but based on the attendance it may be moved to a larger venue. Residents must register by calling the city office at 441-9604, or e-mailing clerk@coldspringky.com.

The next item of interest was the presentation of proclamations to three Eagle Scouts, all residents of the city. Eagle Scouts Jacob Weiner, Alexander Weiglein were present, but Eagle Scout Thomas Burns could not attend tonight. Mayor Stoeber stated that we have had at least of dozen Eagle Scout presentations since he has been mayor, and to have this many come out of this troop is stunning. He knows first hand the hard work that these young men put in for years. It is not an overnight occurrence. As dedicated as they are, it is the parents and the support group of the troop that allows this environment to happen, giving them this opportunity to excel. This is a great honor. At this point the mayor invited the Eagle Scouts and their families to step forward and face the cameras while he read their proclamation. A round of applause was given by all.

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 February 27, 2012 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.

Ordinance 12-985, map amendment to change Area A and Area C (Highway Commercial Zone as regulated by unincorporated Campbell County), to HC-2 (a Highway Commercial 2 Zone) and to change Area B from R-RE (a Residential Rural Estate Zone) and HC* Zone to HC-2 Zone, was read in summary form for the first time. Lou Gerding made a motion for approval, and stated for the record that the bases for the map amendment is on page two of the ordinance. Dave Guidugli seconded the motion. Rob Moore recused himself from the vote. Roll call vote showed five yeses and no noes. **Motion carried.**

Mayor Stoeber stated that there is a time constraint, by law, on when the second reading can occur on Ordinance 12-985 for the map amendment. If we were to wait until the next council meeting we would exceed the time constraints and by state law, council would not have the opportunity to have the second reading. By law, zone changes have to be acted upon within ninety days of recommendation by Planning and Zoning, and if council does not act within the ninety days, then the recommendation of Planning & Zoning goes into effect without council action. If we want to vote on a second reading, and he suggested the date of the next Caucus meeting, April 9th. Council agreed to this special meeting.

Ordinance 12-986, text amendment to add warehouses for recyclable materials to the list of permitted uses within the HC-2 zone, was read in summary form for the first time. This does not include any manufacturing, compounding, processing, packaging, or assembling. Dave Guidugli made a motion for approval and Adam Sandfoss seconded the motion. Rob Moore recused himself from the vote.

Dave Guidugli verified that everything will be done in-house, there will be no outside storage, and it will be in a completely enclosed building. Kathy Noel questioned why Northern Kentucky Area Planning Commission was not in agreement with the Cold Spring Planning and Zoning Commission on this. Brandon Voelker stated that NKAPC did recommend disapproval. Mr. Sticklen of our Planning and Zoning Commission had commented that there was specific warehousing mentioned in the zone for flooring and tiling and said it should not be limited to a specific type of warehouse versus all types of warehouses. NKAPC did not recommend approval because they thought that it was not in the general character of that zone identified in the Comprehensive Plan.

Kathy Noel verified that NKAPC thought it was more consistent of an IP (Industrial Park) zone. She questioned if this intent was to drop off items at this location. It shouldn't be the type of trade where people drop off aluminum cans or items like that, so we shouldn't see that type of traffic here. Brandon Voelker stated that he believes that this is just a storage area and NKAPC's report did state that if approved, it should include the comment to take out the manufacturing, compounding, processing etcetera.

Kathy Noel questioned if this would restrict other areas in the city with this same zoning or limit what they are doing now. Brandon Voelker stated that this is just adding a use. If someone had this business activity before this ordinance, then it is just a non-conforming use at that point. It will have no affect on Goodwill. Our ordinance says that you can sell basically everything that they are taking in as a donation. When you interpret it, it would be absurd to say that you can sell an item but you don't have the right to accumulate the item.

Stuart Oehrle questioned if there were any stipulations if they are dealing with hazardous materials because when you get into recycling and warehousing, you can end up with some interesting materials. If so, we need to include language to cover that. Chief Burk stated that there are federal rules that govern hazardous material, so this would not need to be mentioned in the ordinance. Brandon Voelker agreed and stated that he does not believe that we have to put in the hazardous material language because it is federal law and it is already covered. Mr. Oehrle stated that the permitted use does not include language for any disassembling of items. That is usually when you have the other issues such as finding hazardous materials that you don't realize are there. Brandon Voelker stated that, just like the example of selling an item without the ability to accumulate the item, if you prohibit assembling it is absurd to think you can disassemble. Stuart Oehrle requested that this be clarified at the second reading.

Dave Guidugli amended his motion so that the wording includes disassembling. Adam Sandfoss amended his second so that the wording includes disassembling. Rob Moore was recused from the vote. Roll call vote showed five yeses and no noes. **Motion carried.**

Ordinance 12-987, text amendment pertaining to firework sales within the City of Cold Spring, was read in summary form for the first time. Lou Gerding made a motion for approval, and Dave Guidugli seconded the motion. Rob Moore recused himself from the vote. Roll call vote showed five yeses and no noes. **Motion carried.**

Ordinance 12-988, text amendment pertaining to the definition of hucksters and specifically providing that the sale of fireworks may not be conducted by a huckster, was read in summary form for the first time. Stuart Oehrle made a motion for approval, and Kathy Noel seconded the motion. Rob Moore recused himself from the vote. Roll call vote showed five yeses and no noes. **Motion carried.**

A list of items to be declared as surplus items for Public Works was submitted. Lou Gerding made a motion to approve these items as surplus, and Rob Moore seconded the motion. All were in favor. Motion carried.

Resident Todd Weiner was present and addressed council. He wanted to send his compliments to the police department. He had the pleasure to be a part of the Campbell County Citizens Police Academy. They were taken through all of the police agencies and shown a "grass roots" of what they do from a citizen's standpoint. It was very educational, and they were all blown away by the things that you don't see happening behind the scenes, and many that you don't necessarily want to see or know about. It gives you appreciation for when things are going good in the city, which we just take for granted. He had the privilege of riding with our newest Cold Spring police officer and he was impressed with his professionalism, training, and the caring from a young officer. Thanks for the opportunity of doing that and he really appreciates what our police officers do. We only interact with them when there is a problem, but if everyone went through this training, it would be a totally different attitude. He applauds the County and Cold Spring for providing this opportunity.

Mayor Stoeber thanked Mr. Weiner and said he hit the nail on the head in regards to policing in general. It is one of those professions where residents really don't want to know about it or hear about it. It is one of those things where quiet is a

good thing but unfortunately for the officers who work so hard, there is all of that work that goes on that people don't recognize and the vast majority of the time they do it thanklessly. He thanked Mr. Weiner for standing up and saying these things, because our police officers do work incredibly hard and comments such as these mean a lot to them.

Departmental reports were reviewed.

Stuart Oehrle thanked Chief Burk for providing a police officer for Career Day at NKU.

Mayor Stoeber reported that we did have an officer transition, and we ran an ad and had one hundred applications for this position. This Saturday there will be a first round, mandatory test screening for the position, and if they pass this, then they move on to the physical test, interviewing, and assessment stages.

Stuart Oehrle has noticed that public works has done a great job, cutting the grass and mulching in our various city parks, and it is only mid-March. He assumes we can shift some of the money that we saved from snow plowing this year to grass cutting. Mayor Stoeber stated that the parks and all of the landscaping look beautiful

Mayor Stoeber again reviewed all of the upcoming events in the City. Dave Guidugli stated that if anyone is available, the Park Board would really appreciate help with the Easter Egg Hunt, coming up this Saturday. Lou Gerding stated that they also need assistance this Tuesday night stuffing all of the treat bags.

Lou Gerding requested that our Code Enforcement Officer take a look at the Salmon Pass Apartments behind Krogers. There is debris sitting around their dumpster area, and it is visible from Martha Layne Collins Boulevard and is an eyesore.

There were no further council, attorney, or mayor comments.

Mayor Stoeber stated the Eagle Scouts Weiglein and Weiner will both be recipients of the American flag, pole, and health gift.

Stuart Oehrle made a motion to enter into executive session, per K.R.S. 61.810 – C Litigation, and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

Lou Gerding made a motion to come out of executive session, and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

No action was taken as a result of the executive session.

Stuart Oehrle made a motion to adjourn the March 26, 2012 council meeting, and Dave Guidugli seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: