

Cold Spring City Council August 24, 2015

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 –Chris Ampfer, Lisa Cavanaugh, Lou Gerding, Brenda Helton, Roger Jones and Adam Sandfoss. Also present were Police Chief Brian Messer, Administrative Officer Stephen Taylor, City Clerk Rita Seger, and City Attorney Brandon Voelker.

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

There were no additions or deletions to the agenda.

Under items of interest to community, Mayor Stoeber stated that the Movie in the Park, *Despicable Me 2*, was held on Saturday, August 22nd. There was a huge attendance of approximately 200 children. The weather was great and the children had popcorn, pizza, drinks, and enjoyed the photo booth. It is good for the Park Board to see that the fruits of their labor have brought about such a successful event and Mayor Stoeber thanked them for the hard work. The Trunk Sale will be held on Saturday, September 12, from 9 am to noon at the Carole Huber Municipal Ballfield. This event has been growing every year. Please phone the city clerk's office to register for the event. A drawing of an American flag and pole will be held at the end of the meeting for any resident who stays until the end of the meeting.

The minutes of the July 27, 2015 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. Brenda Helton requested discussion later in the meeting regarding a reference in the minutes concerning the trash containers. Mayor Stoeber stated that he would have Mr. Taylor comment on this under the Public Works report.

There were no scheduled or unscheduled guests.

There was no old business.

Under new business, Mayor Stoeber stated that we have an expiring term on Code Enforcement. **Municipal Order 15-04** was read to **re-appoint Jim Simpson to the Code Enforcement Board for a four year term to expire on August 24, 2019**. Lou Gerding made a **motion for approval** and Adam Sandfoss seconded the motion. Lou Gerding extended his thanks to Mr. Simpson for stepping up for re-appointment. He does a good job. All were in favor. **Motion carried.**

Mayor Stoeber echoed Lou Gerding's comments regarding Jim Simpson. Two code enforcement board members are in the audience tonight. They are part of our original founding fathers. Mayor Stoeber explained that property owners have a lot of well-deserved rights and privileges that are founded in our constitution and we as a collective body have rights and privileges to have our community how we would like to have it. Within a very legal prescribed manner, the code enforcement board members sit in the middle of that cauldron as to who is right. He thanks the board members for stepping forward years ago and staying in place on the board through the present.

Departmental reports were submitted to council in writing.

Steve Taylor commented that we received our first rent check from Crown Castle for the first quarter on the cell tower and we also received the \$2,500 signing bonus. Mayor Stoeber stated that he did a nice job in re-negotiating that bonus. Chris Ampfer verified with Steve Taylor that they haven't done anything on the property yet and if they had any plans for it. Steve Taylor stated that he doesn't believe that they will do any expansion unless they get someone to co-locate.

Brian Messer stated that the police are now wearing body cameras. They have been wearing inexpensive ones for a couple of years, but they have invested in high quality cameras now which can do many things and the officers can use the camera as a great tool. Not only does it record everything that they are doing, it will actually double as a camera. It also has a display screen on the back so whenever they need to review something such as a DUI they can look at the video right at the jail and take notes. There is no possible way that the officers can manipulate this, only administrative privileges can access it. They are top of the line and very secure. All of our officers are now wearing the cameras every day, all day. They are recording any time they are out of their vehicles and interacting with the public.

Chief Messer also shared that our police department was awarded the accreditation this year and he read the certificate received by him two weeks ago at the police chief's conference. This is their fourth five year certification of accreditation, so our department has been accredited for twenty years. They set standards and we met those standards. It took a couple of months to put the books together to make sure all of the policies and procedures were up to date and current. A round of applause followed.

Chris Ampfer requested that Chief Messer elaborate on the bank robbery as listed on police report. Chief Messer stated that the suspect went into the US Bank on Martha Layne Collins Boulevard, tied up the employees and took thousands of dollars and left. The robber was armed at the time. He was caught by Covington Police in Latonia. Within a few hours, our police department was pretty sure they knew who the suspect was and put pictures out as a person of interest requesting help from the public. The problem was in locating the subject. There were already arrest warrants out on him. He allegedly did the same thing to bank employees in Latonia in Covington. Those employees were able to contact 911 while he was inside the bank and when he exited, the Covington police were outside waiting for him. He is in custody and everything has been turned over to the FBI and they are going to handle it from here on in because of the amount of money involved.

Mayor Stoeber stated that this was actually his third bank robbery. He had robbed a bank in Ohio before ours and if these armed bank robberies weren't disturbing enough, once this man was caught, Springdale had warrants for his arrest for murder and for cutting and slashing four children. Through excellent hard work we identified who he was and then it was a matter of finding him. Then he made his mistake and he should be gone for a long time. This is an example of what our Police Department deals with at any given time.

Chris Ampfer questioned what the vice activity on the police report was about. Brian Messer stated that at times our police assist with the Drug Strike Force or the Campbell County Heroin Task Force. If our officers call dispatch and state that they will be assisting them, that is the category that the CAD system puts them in.

Steve Taylor stated that our transition from Best Way to Rumpke is off to a good start. We had a small bump last week. When Rumpke informed their customer service group one of the members was missing and not up to speed so they did not receive the script, and there was a little bit of confusion for the first couple of days. We are on the same page now and Rumpke has someone in our office today and tomorrow. Depending on call volume they may have someone on Wednesday as well. We have had relatively few calls to the city regarding the mix up in cans. There was some confusion over the three cans, but you can have three cans of any combination. He has spoken to our sales rep today and that is not an issue for them. Please call Rumpke customer service. Cans that need to be swapped out will be done so on Friday or Saturday. Condos will be done on Saturday of this week. We did this because of space accommodations for the condos. Best Way will empty the trash and then pick up the cans in the condos on Friday, and then Rumpke will distribute their cans sometime on Saturday morning.

Lou Gerding verified that Rumpke will also swap out the small trash containers this weekend for those that received the larger containers. Steve Taylor said they will swap out all that they have available. It takes a six week lead time to make the 65 gallon containers and they only had a limited number available which they will distribute as soon as they can and it may take a couple of weeks for the swap out. They also have a 95 gallon recycling container, so if you were using two 65 gallon recycling cans in the past you can now get one 95 gallon recycling as an option. Lisa Cavanaugh stated that some people she spoke to had some concerns about what cans they were being left with and questioned if Rumpke had a standard for everybody and will let people swap out. Steve Taylor stated that the normal distribution from Rumpke is one 95 gallon trash container and one 65 gallon recycling container. Anyone who contacted Rumpke on Wednesday or Thursday probably got what they asked for. The cut off was Thursday night for the distribution so if you called Friday, they will have it on their list to swap out next Friday. Lisa Cavanaugh stated that some residents received two different Rumpke flyers and questioned if it was a mix up in mailing. Steve Taylor stated that there were two separate mailings, one just for the condos and those that were not a condo.

Lou Gerding stated that Rumpke does do an inventory on cans and now they have a computer where they are recording what cans and how many you received, so put the word out that it is Rumpke's can, not your can and they expect to get it back. If after three or six years they are no longer contracting with the city, they expect to get that can back, so don't give your cans to your neighbor or friend. Lisa Cavanaugh stated that because Best Way had trucks with the arms that lift the cans up and down, and some residents were concerned about Rumpke's placement of the cans after they empty them. Steve Taylor stated that the Rumpke trucks are semi-automatic, so it will depend on the can penetration per neighborhood. It is possible that there will be an armed truck in the neighborhood versus an unarmed.

Brenda Helton requested that the city clerk check and verify the case number of the public hearing on the on the P&Z minute draft.

Mayor Stoeber sincerely thanked the volunteers on the Parks Recreation and Tree Commission. They are very dedicated and they did a great job with the Movie in the Park. Lisa Cavanaugh added that Day in the Park is September 27th from 1 to 4 and we still need volunteers so if you can pitch in and help out you can call her through the city building and she will get back with you and talk to the Park Board. She also gave kudos on the photo booth at the Movie in the Park event. The kids had a lot of fun with that addition. She stated that there are some openings on the Park Board and if anyone is interested, please step up. Mayor Stoeber stated that if you want to try it out, Day in the Park would be a good starting point because even though it is a lot of work, it is just fun. Chris Ampfer voiced his thanks to the Park Board. When his children were younger they enjoyed the Park events

Lisa Cavanaugh stated that people have been concerned about events happening in the city, but as Mayor Stoeber stated in the newsletter, if you see something that just doesn't look normal, just call it in. The cops would rather come out a hundred times and see you for something that may be nothing, versus one time when it is something and you don't call. Call dispatch. The Police Department has a Facebook page where people can see what is going on, and today Councilwoman Cavanaugh created a Facebook page for the whole community. It is called "Cold Spring Cares" but it is for all surrounding communities as well, and it is one place for everybody to share ideas, exchange information, make notes, and share information if something is seen in one neighborhood that may be a similar condition in another neighborhood. It is a closed group but it is a good opportunity for everybody in the city to find out what is going on in different areas.

Mayor Stoeber stated that early this year when we went through the police chief process at a public hearing and with discussion with council, it was an agreed upon collaboration that a new person's success is based on their engagement and attitude to their job. But that is not enough. It is also based on how much support they receive. Chief Messer was promised that the city would at all times be ready, willing, and able to provide him with the resources and help that he needs. The mayor and chief meet once a week, and part of that is strategy to get to know each other and to get the adjustment of trusted individuals, and to get a clear understanding of what his objectives are. Additionally a major part of success is feedback. In council packets is Brian Messer's three month review which is a public record and it will be on the desk of the new mayor at the time that he takes over that office. Mayor Stoeber will review him again at the end of October for his five month review so that the new mayor can see exactly what has been accomplished. He has accomplished quite a bit that expands all aspects of what is expected for a police chief. He has met with a tremendous amount of peer review contact and network review contact. He has the respect of his department and Mayor Stoeber stated that he is finding out he has the respect of the city. All of that is critical. Mayor Stoeber publicly thanked Colonel Messer for his very dedicated three months of work. In three months we have covered what many would have covered in three years. He wanted council to know how much dedication is going into the police chief position.

The next topic that Mayor Stoeber wished to discuss is a follow-up on discussions that occurred about three months ago. He is acting as mayor for reasons that no one expected and had not anticipated. One of the major feedbacks is that there should be something that can be done about terminations of city non-elected officials. We have had many conversations in regard to the constitutionality and the rights of the executive branch and the legislative branch. The two live in a world of their own for very valid reasons. Three months ago we had a real example of where sometimes things don't go as planned. He has been working significantly with our city attorney and Kentucky League of Cities for advice on certain activities that the city can legally do to create at least a pause and a public awareness of changes that otherwise didn't have awareness and a pause. At the next caucus, Mayor Stoeber will be bringing before council a proposal and he is going to be passing a couple of executive orders and will ask council to pass a couple of ordinances and they are all tied together.

Mayor Stoeber gave a brief overview. He will be issuing an executive order so that with any form of termination of a non-elected officer, the mayor must conduct a meeting with council for discussion within 72 hours. Adam Sandfoss verified that this would be after the termination. Mayor Stoeber stated he cannot force mayor or council to say anything but he can force the meeting. At any given time or moment the mayor can supersede all executive orders with a signature.

Mayor Stoeber stated up front that we have both mayoral candidates in the audience tonight, and this has absolutely nothing to do with the two candidates running. He knows and has talked to both of them, and they are of high integrity and have a clear value and understanding of what is good for the city. This has nothing to do with the current mayor's running. If anyone says otherwise, then they are misrepresenting the truth.

Secondly he will ask council for an ordinance in order to avoid executive orders just disappearing. Council has the authority to say that actions in the city have to be published within twenty-four hours of when they are written. The city clerk will have to publish an executive order within twenty-four hours on the city website and deliver that to council within twenty-four hours. That is step one. Step two is that council also pass an ordinance that requires, in the event of a newly elected mayor or a newly elected appointed mayor, that there be a ninety day cooling off period, so that the mayor is not allowed to make changes in employment "at will" for ninety days. If you have a non-elected officer that is there for cause the city has a complete personnel

policy that deals with all of issues of policy and violations, or if there is something that is flat out wrong then the mayor can terminate immediately and follow policy. But for termination “at will” there must be a ninety day cooling off period.

It is very clear in KRS 83A.130 (12) and (13) how council can do that. It states that council by ordinance shall establish all codes, rules and regulations for the public health, safety, and welfare of the city, and the ordinance that you are being asked to pass for the health, safety, and welfare of the city is to require a ninety day cooling off period for changes in employment “at will”. Also, council has the right to investigate all activities of city government, which is why the mayor is going to pass an executive order that requires a discussion with council within 72 hours of a terminated position. Mayor Stoeber stated that this needs to be discussed with council and he wants the residents and council to be aware of this. All of the paperwork will be in their packets and we need to kick this around thoroughly. It is something that we can very legally and plausibly put in place through a whole lot of hard work with our attorney.

Also, one of the major issues that we ran into with the recent transition and that council recognized and addressed immediately was that there was nobody left in charge, so we couldn’t pay our bills, no one could make decisions, and council had to very shrewdly and quickly deal with the a lot of technical issues on April 8th. Mayor Stoeber complimented Councilman Lou Gerding for calling the emergency meeting and moving things forward. It was a very complicated issue. Mayor Stoeber is going to pass an executive order that if the mayor’s office becomes vacant, that vacancy will be designed and declared by a super-majority of council, (a majority would be four and a super-majority would be five) at a meeting, with a declaration that the office is vacant, and then it executes that executive order which automatically puts in place a flow of who is in charge. Hopefully by the time he leaves office we can at least slow down and avoid what occurred this past year, and have all the necessary things in place. Again circling back with media and camera, this has nothing to do with the candidates that are running but has to do to what happened on April 8th, and it has to be corrected. That is the path where we are heading.

Brenda Helton requested that a representative from Kentucky League of Cities to be present for this caucus discussion because they came to a meeting and stood in front of us and said there was nothing that could be done.

Resident Bob Lockman was the winner of the American Flag and pole.

Lou Gerding made motion to adjourn the August 24, 2015 council meeting at 8:13 pm and Adam Sandfoss seconded the motion. All were in favor. Motion carried.

Approved:

City Clerk:

Mayor: