

**Cold Spring City Council  
Special Meeting  
May 29, 2018**

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, Lou Gerding, Brenda Helton, Michael Ruscher, and Lisa Cavanaugh. Adam Sandfoss was excused. Also present were Administrative Officer Stephen Taylor, City Attorney Brandon Voelker, City Clerk Robin Sweeney, Police Chief Steve Collinsworth, and Ronnie Hitch, Public Works Director.

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

Approval of minutes for the April 9, 2018 Special meeting minutes. Lou Gerding made a motion to approve. Lisa Cavanaugh seconded the motion. All in favor. **Motion carried.**

Scheduled guests – Mayor Penque introduced Michelle Snodgrass, Commonwealth Attorney and he said he would like for her to come to the next Coffee with the Mayor. He will get in contact with her when it is being planned. Mrs. Snodgrass came to the meeting because of the Cold Spring Police's DARE program. She has been involved with the program for about 8 years now. She works with 13 police agencies and Cold Spring is the only department that still offers the program. She said that this program is very effective, and she knows this because of the essays she has read from the students in the program. Mrs. Snodgrass stated that she is aware of the cost and time commitment that is associated with the program. She thanks Mayor Penque and the city, but most importantly the Police Department for allowing the program to continue. The real reason she came to the meeting was to present the department with a check in the amount of \$1,590.50 which will cover the cost of the t-shirts for all of the students that went through the program this year. All of the money that is being donated was seized from local drug dealers in Campbell County. She feels that we cannot start educating children early enough, and she asks that we please continue offering this program. Mayor Penque, Chief Collinsworth and the council thanked her for the donation.

Mayor Penque introduced the next guest, Reverend Ric Frazier from First Baptist Church. He started off by saying that he has a great deal of respect for the city and the employees, they do a great job. He is requesting a variance for a digital sign for the church, which he presented at a previous caucus meeting. He provided everyone with documents of the process that has taken to try to get this sign. He says they meet all of the standards except for two- the church wants a 40 square foot sign rather than 25, the church really wants an eight-foot sign for visibility reasons, but the maximum height is six feet. Mr. Frazier stated that he has talked to employees, Brandon Voelker, and Steve Taylor in regards to the city's statutes. He said that he was told the signs are content neutral, but he said that has nothing to do with content visible, which is his problem. He stated that he presented compromises at the last caucus meeting but no one noticed. He also spoke with Campbell County Planning & Zoning, they said they will not go against the city's regulations but they are happy to request a sign that meets the regulations. He was told he has the option to request a zone change but that could cost \$1,360.00. Mr. Frazier stated that he has no problems spending the money if there is a possibility for it to be approved. He has also visited the State Attorney General's office to find out who has the authority to grant him permission to get this sign. His request to council is a variance that would approve an additional 15 square foot and an additional foot and a half in height for his sign. His current sign is 46 feet away from the curb of US 27 which makes it very difficult to read while driving by. Mr. Frazier stated that he is left with very few options if council doesn't allow this. He feels that by Not allowing him to have the sign he needs; the city is hindering the church's message. He referenced a supreme court case Reed vs. Gilbert, Arizona, the city was too restrictive and the court decided in favor of the church because they fit into a unique category. Mr. Frazier respectfully requested that a council member would be brave enough to make a motion. He knows what to do either way but he would like to solve this in house because he is a resident of Cold Spring, he is committed to the city and the church has been here for 224 years. Mayor Penque stated that he thinks council will consider it, and he reminded Mr. Frazier that he does not have a say in this. Lou Gerding stated that this vote is not on the agenda tonight and since it is a special meeting, it cannot be added to the agenda. Mayor Penque said he would talk with council to get their opinions. Michael Ruscher asked what the reasoning is for the dimensions. Ric Frazier responded that the speed of traffic on US 27 is one reason, the back of the sign is so far from the center line of the highway, they are constantly getting debris from the highway that could potentially damage the sign if it were closer to the road. His main concern is to have a sign that is visible and legible for the drivers that pass by. The sign they have now is from the 1950's, they don't even make replacement parts anymore. Brandon Voelker said that there has been some miscommunication as to what council is able to do, they cannot grant a variance. Mr. Voelker said that it sounds like Mr. Frazier is asking council to sponsor a text amendment to

allow bigger signs, or request a zone change, otherwise he would need to seek a variance from the Board of Adjustments. Mr. Voelker said that even if council wants to allow this variance, they legally cannot. Mr. Frazier said he feels that he is just being passed along from commission to commission and that he is being made into a problem. Dave Whitaker approached council – he is a new member at First Baptist Church, and he is the zoning administrator/building inspector for the City of Highland Heights. He agrees that the Board of Adjustment might be the right board for Mr. Frazier to reach out to and seek a variance. Mr. Whitaker referenced an appeal process for existing uses that they added about 3 years ago in the City of Highland Heights. It is not to be used for new businesses or new developments, only situations where businesses and property uses have been put in an unusual circumstance. It gives the authority to the Board of Adjustments and it stated “an owner of an existing business who believes the sign ordinance does not provide them with adequate exposure may make an appeal to the Board of Adjustment to propose changing the existing sign or for a new one. The Board of Adjustment consistent with Article 17 must determine if there are specific reasons for the strict application of the current sign ordinance that would be a hardship on the existing business. This appeal process is not to be used for the creation of new businesses or developments”. He finished by stating that the church does need support from the city. Brandon Voelker urged Mr. Whitaker to meet with him and maybe they can come up with language for a text amendment to present to council. Mr. Frazier said that he has been told for a year and a half that to go ahead and make the proposal but he is not getting any help from the city. Mr. Voelker stated that he sent an email to Mr. Frazier explaining what he needed to do. He also said that he would be happy to meet with Mr. Whitaker and Mr. Wells to get some information together to present to city council but he wants to make sure that he understands that council cannot grant the variance. Mr. Frazier said that he doesn’t care how it is done, or who is talked to, to get it done, he doesn’t care to pay money, he just wants his sign. He said there has to be a way to get this accomplished and wants someone to work with him to help him get it done. He mentioned that the church has helped the city in many different ways. Don Wells, an attorney and parishioner at First Baptist Church approached the council and discussed some ideas with Brandon Voelker that could help the church get the sign they need. Michael Ruscher wants Mr. Frazier to know that no one is adamantly denying anything that he has said. He suggested that he uses his resources to go through the necessary steps that were mentioned, and he apologizes for all of the trouble that Mr. Frazier has had already. He added that when and if it comes back to council that they will give it the utmost thought and consideration. Frazier said he does not have any animosity towards anyone at the city, but he is extremely frustrated and has spent many, many hours researching his options and all he has received is redirection. He just wants the city to help him.

**Ordinance 18-1042** – 1st reading to approve an ordinance prohibiting the feeding of wild ducks and other waterfowl on public properties. Lou Gerding made a motion. Michael Ruscher seconded the motion. Chris Ampfer asked if there was a decision made on the fine amount and if it will be posted. Mayor Penque stated that the fine starts at \$100 and it will be posted. Roll call vote shows 4 yeses and 1 no – Lisa Cavanaugh. **Motion carried.**

**Ordinance 18-1043** - 1<sup>st</sup> reading to approve the City of Cold Spring, Kentucky amended budget for the fiscal year July 1 2017-June 30, 2018. Chris Ampfer made a motion to approve. Michael Ruscher seconded the motion. Lou Gerding stated that the Mayor has illegally gone over on 15-line items per the Kentucky League of Cities legal department opinion along with the state attorney general’s office, so he doesn’t support this motion. He said council is the body that controls the budget, the Mayor doesn’t raise taxes, council does. He also stated that a lot of finance meetings have been cancelled so that is another reason why he cannot support this. Michael Ruscher asked if there were specifics, Mr. Gerding advised him to take a look at the line items. Chris Ampfer stated that this was all talked about during finance meetings. There was some discussion between Mayor Penque and Councilman Gerding in regards to previous finance meetings, and the legalities of going over on the line items. Brenda Helton stated that everything was discussed at a finance committee meeting with recommendations to council. Brandon Voelker stated that the reason cities amend the budget yearly rather than as you go is probably because of publication costs. He stated the better practice is to do it before hand, but if council acts and does it this way then he doesn’t agree that it is illegal. It is basically ratifying the finances when you amend the budget. Mr. Gerding feels that we need better communication in regards to finances and expenditures so that we know ahead of time if something is going to be over. Lisa Cavanaugh called for the vote. Roll call vote showed 3 yeses and 2 noes – Lisa Cavanaugh and Lou Gerding. **Motion carried.**

**Ordinance 18-1044** – 1<sup>st</sup> reading to approve the City of Cold Spring, Kentucky annual budget for the fiscal year July 1, 2018 – June 30, 2019. Lou Gerding made a motion with the condition that any expenditure over \$5,000.00 for the capital outlay projects for the lake, streets, or parks need to come to council for approval. Michael Ruscher seconded the motion. Brenda Helton mentioned a typo on the date of the ordinance to be fixed. Lou Gerding said the reason he wants to approve the streets is because council didn’t get to see the bids that went out last time, or when they came back. Roll call vote showed 4 yeses and 1 no – Lisa Cavanaugh. **Motion carried.**

**Ordinance 18-1045** – 1<sup>st</sup> reading to approve the July, 1 2018 – June 30, 2019 pay plan. Lou Gerding made a motion. Michael Ruscher seconded the motion. Roll call vote showed 5 yeses and 0 noes. **Motion carried**

Council Comments – Chris Ampfer stated that they will discuss possible text amendments for the signs for the church at the next caucus meeting. He reminded Mr. Frazier that he does have three different options. There was some discussion about different zones and building codes.

Lisa Cavanaugh asked when the lines will be painted at Sturbridge. Steve Taylor said that they are out in the city painting now, but he does not know where Sturbridge is on the list. It will be weather dependent. Chris Ampfer, Brenda Helton, and Michael Ruscher thanked Chief Collinsworth and Officer Lloyd for their great work with the DARE program.

There were no citizen or attorney comments.

Mayor comments – He reminded everyone about the Senior event on June 2<sup>nd</sup> from 5-8pm. He urged the public to come, there will be a band, The Sweet Beats which is a Beatles tribute band, and a cookout.

Department reports submitted in writing.

Lou Gerding made a motion to adjourn the May 29, 2018 special council meeting at 8:41pm. Lisa Cavanaugh seconded the motion. All in favor. **Motion carried.**

Approved: 6/25/18

City Clerk: /s/ Robin Sweeney

Mayor: /s/ D. Angelo Penque