

ORIGINAL

Cold Spring Council Minutes
June 24, 2024

The June 24, 2024 council meeting was called to order by Mayor Penque at 7:30pm.

Prayer and pledge were led by the City Clerk

Roll Call & Exit Instructions:

- Present: Mayor Penque, Chris Ampfer, Lisa Cavanaugh, Dave Guidugli, Paul Kloeker, Cindy Moore, Adam Sandfoss, City Clerk Robin Morency, City Administrator Steve Taylor, Police Chief Steve Collinsworth, Public Works Director Ron Hitch, and City Attorney Brandon Voelker.

Additions or Deletions to the Agenda: None.

Items of Interest to the Community:

- Our third concert of the Summer Concert Series is this Thursday, June 27 from 7:00pm – 9:30pm. The band is Gary Bertsch & The Blamers and the vendors are Harley Dogs, Candy's Nuts and Barleycorns.
- We currently have two more Yoga in the Park events scheduled for July 1 and July 8 at 10:00am. This is held at the amphitheater.

Approval of Minutes:

- June 10, 2024 special meeting minutes were reviewed by all. Adam Sandfoss made a motion to approve, second by Chris Ampfer. Dave Guidugli requested a correction to the motion of ordinance 24-1093. All were in favor.
Motion passed

Recognition of Scheduled Guests: None.

Recognition of Unscheduled Guests:

- Fire Chief Dan Schultz addressed council; he wanted to clarify that there was not a safety issue with the attendance at the May Planning & Zoning meeting, He was present, as well as the assistant chief and all the exits were clear and safe.
- Ron Hitch addressed council to advise them of the many projects that the public works department has completed in-house, saving the city thousands of dollars. Mr. Hitch asked council to keep in mind that skilled help is hard to find and hard to keep.
- Lou Gerding (resident) stated that there were 46 people in the room at the May Planning & Zoning meeting and the sign says 38. Mr. Gerding told council that the staff report for the May Planning & Zoning public hearing (zone change DAV property) mentions the 2018 Comprehensive Plan saying that it did not anticipate the DAV leaving Cold Spring and relied on that to recommend the zone change. Mr. Gerding states that he was aware of the anticipated move of the DAV and claims that the city was aware as well. He feels that the application for the zone map amendment should be turned down due to incorrect information being presented to the Planning & Zoning Commission.
- Mark Stoeber (resident) provided a handout of his comments at the May Planning & Zoning meeting, requesting that they be added to the city's records. Mr. Stoeber feels that there could be a possible legal/regulatory issue since Neyer was the applicant for the zone change but they are not the owner. He does not feel that an explicit reason is given for the need of the zone change. Mr. Stoeber stated that the city is going against their own rules, he said that MUPD Zone requires 20% of the property must be public recreational property, which is not in the

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Stage 1 plans that were presented. Mr. Stoeber also expressed concerns with the privacy of the Henry Court residents, the potential of adjoining properties being commercialized, and he asked the council to make sure that the MUPD Zone allows residential with density restrictions.

- Kevin King (resident) had questions about the deed restrictions in regards to access to the property. Mr. Voelker said he believes there will be a request to have the deed restriction lifted.
- Mike Schmitz (resident) shared concerns with the potential traffic and safety issues that the proposed development could bring. He is also concerned about losing all their trees and having to look at parking lots and buildings from their backyard.
- Mindy Schmitz (resident) stated that what is being done to the residents of Henry Court does matter and asked council to consider that.
- Lisa Rusch (resident) asked how council would feel if they live where she does. She is concerned with pollution, light and noise infiltration, the demolition and toxicity, and losing their privacy.
- Brian Markus (resident) asks council to make sure that the development looks nice and there is plenty of green space buffer for the residents of Henry Court.
- Linda Williams (resident) shared concerns about traffic and the proposed restaurants.
- Meg Roadhouse (resident) is concerned with the traffic that the development will cause and thinks alternative routes are needed. Ms. Roadhouse questions if this space needs to be a commercial property. There was discussion about the traffic study.
- Mayor Penque and Steve Taylor advised of a project in preliminary stages. This project would improve safety and slow the speed limit of US 27 by installing accelerated U-turns. It is a multi-year plan that will require land to be acquired and right-of-way to be surveyed. This project would include community involvement, and would depend on funding.

Old Business:

- Ordinance 24-1091 – 2nd reading of an ordinance adopting the City of Cold Spring, Kentucky amended budget for the fiscal year July 1, 2023 through June 30, 2024. Adam Sandfoss made a motion to approve, second by Chris Ampfer. Roll call vote shows 4 yeses and 2 noes – Guidugli and Moore. **Motion passed.**
- Ordinance 24-1092 – 2nd reading of an ordinance adopting the City of Cold Spring, Kentucky annual budget for the fiscal year July 1, 2024 through June 30, 2025. Chris Ampfer made a motion to approve, second by Adam Sandfoss. Cindy Moore asked for clarification in regards to the ARPA funding, Steve Taylor stated that there is 1.3 million dollars left in the ARPA funds and 3.2 million dollars of available funds in the bank. Ms. Moore stated that they are voting on a budget that is more than what is being brought in. Roll call vote shows 4 yeses and 2 noes – Guidugli and Moore. **Motion passed.**
- Ordinance 24-1093 – 2nd reading to adopt an ordinance amending the Cold Spring pay plan. Lisa Cavanaugh made a motion to approve, second by Paul Kloeker. Chris Ampfer clarified that this is the amended plan from the previous caucus meeting. Dave Guidugli asked why the mayor and council rates are set at a rate that cannot be paid, since there is an ordinance that sets their rates. Cindy Moore stated that the current maximum rates were increased by 4.5% and rounded to the nearest thousand for a one-year plan. Roll call vote shows 4 yeses and 2 noes – Guidugli and Moore. **Motion passed.**
- Resolution 24-03 – Street listing - Paul Kloeker made a motion to approve, second by Lisa Cavanaugh. Ron Hitch stated that this is for municipal aid and the state uses GPS for this, not surveys. Mr. Hitch stated that some streets were removed because they are private and not maintained by the city. There was discussion about Uhl Road being part owned by Cold Spring and part by Crestview. Ron Hitch stated that the city has not received information to confirm that. All were in favor, none opposed. **Motion passed.**

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New Business:

- Municipal Road Aid Cooperative Agreement
 - Resolution 24-04: Resolution adopting and approving the execution of a Municipal Aid Co-op Program contract between the Incorporated City and Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2024, as provided in the Kentucky Revised Statutes, and accepting all streets referred to therein as being streets which are a part of the Incorporated city. Adam Sandfoss made a motion to approve, second by Chris Ampfer. All were in favor, none opposed. **Motion passed.** There was no comment from the public.
- Ordinance 24-1094 – 1st reading of an ordinance amending the zoning map of the City of Cold Spring, County of Campbell, Kentucky for an approximate 27-acre area of land on the corner of Alexandra Pike (US 27) and Industrial Road in the City of Cold Spring from Industrial Park (IP) to Mixed Use Planned Development (MUPD) and Neighborhood Commercial (NC). Brandon Voelker advised council that they are here tonight to decide zoning, for example, the code for MUPD Zone says 20% must be green space so the developer will have to comply with what is set forth in the code unless a waiver is obtained. A waiver has not been obtained at this time. Mr. Voelker reviewed the procedures for a zone change and the stage 1 plans, the uses in the current industrial zone as well as the recommendation from Campbell County Planning & Zoning. Mr. Voelker told council that they have 90 days from the May 8, 2024 planning & zoning public hearing to act. There was discussion about the permitted uses of the NC and MUPD zones and how they can best be applied to this property. Dave Guidugli asked if the council can have another public hearing of their own, Mr. Voelker said that is an option. Mr. Voelker reminded council that they need to vote based on the code, they cannot pick and choose based on what they do or do not like. Cindy Moore thinks that more research needs to be done, maybe an outside consultant is needed to guide them. A resident approached council, stating that most residents do not understand the zoning code and would like to be educated on them. Mr. Voelker briefly reviewed some of the zones and where they are located throughout the city and advised that the zoning regulations can be accessed from the website for anyone who wished to review them. Adam Sandfoss stated it is hard to educate residents when there is very little attendance at meetings, he would love to see more involvement from the residents. Chris Ampfer made a motion to approve, second by Paul Kloeker. Adam Sandfoss does not feel an outside consultant is necessary, but is cautious about the potential of housing as he does not feel like that was clearly communicated prior. There was a lot of discussion about the possibility of multi-family housing in the MUPD Zone and the history of the acquisition of the DAV property. Mr. Voelker read minutes from prior meetings when council gave authorization for the mayor to enter into the agreements for this property. Cindy Moore asked the developer if they would be willing to come back to Planning & Zoning with adjustments to the zones of the property in reference to the MUPD in the back/bottom portion. Dave Guidugli called the question. Roll call vote shows 4 yeses and 2 noes – Guidugli and Moore. **Motion passed.**

Follow up Citizen Comments:

- Lou Gerding (resident) stated that him and the mayor were informed in May 2017 that the DAV was planning to move from Cold Spring. Brandon Volker read part of the ordinance that was just voted on for a first reading: “The aforementioned map amendment, as recommended by the Cold Spring Municipal Planning & Zoning Commission is adopted on the following bases: (1) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. Specifically, the basic character of the area is no longer industrial in nature, for which MUPD and NC is appropriate. (2) That that there have been major changes of economic, physical, and/or social within the area involved that were not anticipated and/or acknowledged in the adopted comprehensive plan, more specifically, the departure of the Disabled American Veterans National Headquarters, which while zoned IP, was not industrial in nature.” Lou Gerding referenced

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development controls in the zone, stating that the planning & zoning commission has given variances in the past, that have not come back to the council and that should not be allowed to happen.

- There was discussion from many audience members, they do not feel there is enough notification of what is going on with this development. Mr. Stoeber stated that the city should do better in making the citizens aware of the plans for a development of this size; he suggests a forum with the developer and citizens. Lisa Cavanaugh suggested that a mass mailing go out to citizens to make them aware if a forum is held with the developer.
- Mike Schmitz (resident) stated that MUPD will change the character of the city.
- A resident stated that most residents do not have issues with the medical facilities, they are concerned with the potential multi-family housing and traffic.

Department Reports (in writing)

Council Comments:

- Adam Sandfoss thanked everyone for coming and encourages them to come more often and wished everyone a Happy Pride Month.
- Cindy Moore reminded everyone that the planning & zoning meeting is online for viewing and the planning & zoning members are appointed, not elected. She thanked the developers for coming and reminded them that council is elected to protect the residents and do what is best for them.

Attorney Comments: None.

Mayor Comments:

- Mayor Penque thanked everyone for coming and agrees that he would like to see everyone continue to attend the meetings.

Adjournment:

- Mayor Penque adjourned the meeting at 10:30pm. All were in favor. **Motion passed.**

Approved: 7/22/24

City Clerk: 

Mayor: 

To view the meeting agenda, visit: <https://coldspringky.gov/city-council/meeting-agendas/>

To view the meeting video, visit: <https://coldspringky.gov/meeting-videos/>