

**Opening**

The City Council of the City of Independence, Kentucky met on Monday, August 4, 2014 at 7:00 p.m. in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Donna G. Yeager presiding. Mayor Yeager called the meeting to order and opened with the Pledge of Allegiance. The invocation was given by Council Member Bushong. Roll was called and the following Council Members registered present: Bill Aseere, Tom Brinker, Jim Bushong, Carol Franzen, and Chris Reinersman. Council Member Mike Little was absent. Also present was City Attorney Jed K. Deters and City Clerk Patricia Taney.

**Proclamation – Simon Kenton High School Baseball Team**

Mayor Yeager along with Council Member Carol Franzen presented the Simon Kenton High School baseball team with a Proclamation in recognition of their extraordinary team efforts during the 2013-2014 record setting season, winning the first regional championship in the school's history, and going on to play in the State Championship game. Council Member Franzen read the Proclamation.

**Approval of the June 2, 2014 Council Meeting Minutes**

Mayor Yeager called for a motion to approve the minutes of the regular meeting held on Monday, June 2, 2014. Council Member Bushong so moved, with second by Council Member Franzen. No amendments to the minutes were noted and the motion carried unanimously 5-0.

**Approval of the July 24, 2014 Special Council Meeting Minutes**

Mayor Yeager called for a motion to approve the minutes of the special meeting held on Thursday, July 24, 2014. Council Member Bushong so moved, with second by Council Member Reinersman. No amendments to the minutes were noted, roll was called and answered with four ayes and one abstention from Council Member Franzen. Motion carried.

**Ordinance No. 2014-O-06 – Amending the ABC License Schedule – 2<sup>nd</sup> Reading**

Mayor Yeager presented to Council Ordinance No. 2014-O-06 that would amend Ordinance No. 2013-O-15 regulating the Alcohol Beverage Control. Mr. Deters advised Council that this amendment was a housekeeping issue to update the schedule of license types and associated fees. Mr. Deters read Ordinance No. 2014-O-06.

A Motion was made by Council Member Bushong and seconded by Council Member Franzen to adopt Ordinance No. 2014-O-06. Roll was called and answered unanimously. Motion carried 5-0.

**Ordinance No. 2014-O-07 – Re-Naming of Rice Road (off Mills Road) to Coppage Court – 2<sup>nd</sup> Reading**

Mayor Yeager presented to Council Ordinance No. 2014-O-07 that would re-name a portion of Rice Road that runs off of Mills Road. Mr. Deters read Ordinance No. 2014-O-07.

A motion was made by Council Member Reinersman and seconded by Council Member Brinker to adopt Ordinance No. 2014-O-07. Roll was called and answered unanimously. Motion carried 5-0.

**Municipal Order No. 2014-MO-01 – Appointing Chris Moriconi as City Administrator**

Mr. Deters advised Council that Municipal Order No. 2014-MO-01 appointing Chris Moriconi to fill the vacant position of City Administrator was presented at the Special Council Meeting of July 27, 2014. He stated the possible appointment was discussed in an Executive Session which was listed on the Special Meeting agenda and action was taken in open session to make the appointment official. Mr. Deters stated that he felt it would be wise to further confirm this appointment at a regular meeting prior to Mr. Moriconi starting his position. Mr. Deters read Municipal Order No. 2014-MO-01.

A motion was made by Council Member Reinersman and seconded by Council Member Aseere to ratify Municipal Order No. 2014-MO-01. Roll was called and answered unanimously. Motion carried 5-0.

**Approve Financing Agreement for Ford 550 Dump Truck for Public Services Department**

Mayor Yeager presented to Council a financing proposal by US Bank for the purchase of a new dump truck for the Public Works Department. Dan Koch, Public Services Director stated US Bank has provided an interest rate of 2.35% which is the same rate they quoted the City for the financing of four police cruisers. He stated the purchase price of the new truck will be \$65,970. Mr. Koch advised this new truck will give the department a total of six trucks which will enable them to run all the snow removal routes this year and not depend on the County to assist them with this service to the residents.

A motion was made by Council Member Bushong and seconded by Council Member Aseere to approve the financing proposal from US Bank that will structure the \$65,970 expense over a three year lease payment period at an interest rate of 2.35%. Roll was called and answered unanimously. Motion carried 5-0.

**Award Bid – Reliance Court Street Repairs**

Mayor Yeager presented to Council the bids analysis from the City Engineer for the Reliance Court and Cobblestone Boulevard Roadway Improvements project. Public Services Director Dan Koch reported that four bids were received with the highest bid from M & W Excavation in the amount of \$214,337.50 and the lowest bid from Straight Edge Construction in the amount of \$158,960. He stated the City Engineer's pre-bid estimate for this project was \$168,330. Mr. Koch stated that Straight Edge is a company from Bracken County who is currently doing their first residential project for the City of Edgewood. He stated he has spoken to a representative of the City of Edgewood who reports they have not had a problem so far with this contractor, but they have three weeks remaining before completion of that project. There was a brief discussion about taking the low bid from a contractor that was a relative newcomer to residential construction. Mr. Koch advised the next lowest bidder was from JPS Construction in the amount of \$168,695 – a difference of \$9,735. He stated he would like to recommend taking the bid from JPS Construction since this is a contractor that has a good reputation and one the City is familiar with having a satisfactory work history on past road projects.

A motion was made by Council Member Brinker and seconded by Council Member Bushong to award the bid for the Reliance Court and Cobblestone Boulevard Roadway Improvements to JPS Construction as the best bid submitted in the amount of \$168,695.00. Roll was called and answered with four ayes and one no vote cast by Council Member Aseere. Motion carried 4-1.

**Approval of Stage II Development Plan Review for Taco Bell Restaurant Located at 2019 Centennial Blvd.**

City Attorney Jed Deters presented to Council a staff recommendation from the Planning Commission regarding a Stage II Development Plan for a Taco Bell Restaurant on an approximate .29 acre site located at 2019 Centennial Boulevard.

Greg Wolf with GSC Foods, Inc. spoke on behalf of Taco Bell. He stated they are excited to be building a Taco Bell in Independence which will be located behind the Walgreen's. Mr. Wolf advised his company has recently built one store on Mount Zion Road and another one on 3-L Highway is set to open on Wednesday. He stated the design of the Centennial Boulevard restaurant will be identical to the one on Mount Zion Road. Council Member Bushong asked when the new store would open. Mr. Wolf stated it would open ninety days after construction starts and they hoped to begin construction by the end of this month.

Council Member Reinersman commented that the new Taco Bell meets the building requirements of the Planning Commission. Mr. Deters stated that the Planning Commission is recommending approval subject to two conditions; that the proposed signage on the site be in compliance with the approved Stage I Development Plan and that the drainage calculations and design of the regional retention basin to be used by the site shall be provided which show that on-site storm water management will not be required and that these conditions shall be met prior to the issuance of any permits.

There being no concerns by Council or further discussion, a motion was made by Council Member Franzen and seconded by Council Member Aseere to accept the recommendation of the Planning Commission staff and approve the Stage II development plan review for the Taco Bell Restaurant to be located at 2019 Centennial Boulevard. Roll was called and answered unanimously. Motion carried 5-0.

**Resolution No. 2014-R-06 – Authorizing the Filing of an Application to the PDSKC for a Text Amendment to the Official Zoning Ordinance of the City to Add Development Controls in the NC, NSC and PO Zones**

Mr. Deters presented to Council and read Resolution No. 2014-R-06 that would authorize the filing of an application to the Planning and Development Services of Kenton County (PDSKD) for a proposed zoning text amendment to the official zoning ordinance of the city to add development controls in the NC, NSC and PO zones.

Council Member Reinersman advised that there have been recent concerns relating to building materials used for exterior surfaces in some commercial zones in the City. He stated he has worked with Ehmet Hayes and the Planning Commission to set building standards with some restrictions on the types of building materials that can be used as well as providing screening of mechanical equipment. He stated the Family Dollar store on Richardson Road sparked the concern for this type of regulation as this commercial building is on a very visible corner.

Council Member Franzen made a motion, seconded by Council Member Reinersman to adopt Resolution No. 2014-R-06. Roll was called and answered unanimously. Motion carried 5-0.

## **Resolution No. 2014-R-07 – Approving the Transfer of Time Warner Cable to Comcast Corporation**

Mayor Yeager presented to Council Resolution No. 2014-R-07 that would approve the transfer of control of Time Warner Cable to Comcast Corporation. Council Member Reinersman stated he spoke to a representative of the Telecommunications Board who conveyed the transfer of ownership will be a good move the City should support as cable subscribers will receive better service and cable quality. Council Member Franzen commented that the transfer would allow the franchise to continue.

A motion was made by Council Member Brinker and seconded by Council Member Bushong to adopt Resolution No. 2014-R-07 approving the transfer of control of Time Warner Cable to Comcast Corporation. Roll was called and answered unanimously. Motion carried 5-0.

### **Independence Pointe Subdivision**

Council Member Brinker advised Council that the on-going problem with the maintenance of the hillside at the entrance of the Independence Pointe Subdivision continues. He stated that the owner of the hillside parcel plays the game of not cutting the grass, until he gets a violation notice from the City and then the hillside still doesn't get cut until the City send its contractor to do it and then the City liens the property for the cost. He advised the hillside has not been cut this summer. He asked Mr. Deters how the City could speed up the process of getting this violation taken care of in a timelier manner. Mr. Deters suggested meeting with the Zoning Administrator to discuss the options available to the City. Council Member Brinker asked that the Zoning Administrator, along with a copy of the ordinance that addresses these violations, attend the next meeting to discuss this issue.

### **Attorney's Report – Jed K. Deters**

Mr. Deters reported that in late June the City had a request by Revere's Crossing LLC to annex a parcel that abuts the Revere's Crossing Subdivision so they could build the next phase of the subdivision and keep the entire development within the City limits. He stated the regular July meeting was cancelled and a special meeting was held in late July. Mr. Deters advised he would like to go into an executive session to discuss this annexation request as there has been some threat of litigation since the City has not responded to their annexation request. He stated any action the Council would decide to take would be done when they reconvene the regular session.

### **Recreation Update**

Council Member Brinker announced that the movie *Frozen* would be shown at the Amphitheater on Saturday, August 23<sup>rd</sup> at dusk.

### **Mayor's Report – Donna G. Yeager**

Mayor Yeager stated she had nothing to report.

### **Executive Session**

At 7:35 p.m. a motion was made by Council Member Reinersman and seconded by Council Member Aseere to go into an executive session in accordance with KRS 61.810 (c) to discuss pending litigation. Motion carried with all ayes.

At 8:23 p.m. a motion was made by Council Member Reinersman and seconded by Council Member Franzen to resume the regular meeting.

**Annexation Request by Revere’s Crossing LLC – 5303 Fowler Creek Road**

A motion was made by Council Member Franzen and seconded by Council Member Bushong to deny consideration of the annexation request at this time of an approximate 24 acre parcel located at 5303 Fowler Creek Road (PIDN 046-00-00-071.00) due to non-compliance of KRS 81A.470. Roll was called and answered unanimously. Motion carried 5-0.

**Adjournment**

There being no further business, a motion was made by Council Member Franzen and seconded by Council Member Brinker to adjourn. Motion carried with all ayes and the meeting ended at 8:25 p.m.

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Donna G. Yeager, Mayor

ATTEST:

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Patricia H. Taney, City Clerk