

# **COUNCIL MEETING**

## **Minutes of July 11, 2016**

**City of Independence, Ky.**

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### **Opening**

The City Council of the City of Independence, Kentucky met on Monday, July 11, 2016 at 7:00 p.m. in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Christopher Reinersman presiding. Mayor Reinersman called the meeting to order, opened with a moment of silence and led the Pledge of Allegiance. Roll was called and the following Council Members registered present: Bill Aseere, Tom Brinker, Lucas Deaton, Carol Franzen and Donna Yeager. Council Member Bushong was absent. Also present was City Administrator Chris Moriconi, City Clerk Patricia Taney, Assistant City Clerk Gina Gabbard, City Attorney Jack Gatlin and Public Works Director Dan Koch.

### **Approval of the June 6, 2016 Regular Meeting Minutes**

Mayor Reinersman asked Council if there were any changes or corrections they would like made to the Council Meeting Minutes for the regular meeting on June 6, 2016. Council Member Franzen stated a change request in the paragraph discussing Executive Order No. 2106-EO-04. She stated she recused herself from the vote, not abstained as noted in the minutes. Changes were noted and the Mayor called for a motion to approve the meeting minutes as amended. Council Member Yeager so moved, with a second by Council Member Deaton. Roll was called and answered unanimously. Motion carried 5-0.

### **Police Business – Swearing-in of new Police Officer**

Mayor Reinersman swore in Police Officer Billy Roberts. The Mayor stated Officer Roberts transferred from the Burnside Police Department.

### **Ordinance No. 2016-O-07 – Setting penalties for trucks on city streets where truck traffic is prohibited – 2<sup>nd</sup> Reading**

Mayor Reinersman presented Ordinance No. 2016-O-07 which sets penalties for trucks on city streets where truck traffic is prohibited. Mr. Gatlin gave the Ordinance a second reading and stated the ordinance has a small change from the first reading which will allow public school buses for transporting children, fire, police, other public protection vehicles as well as waste management vehicles. Mr. Gatlin stated there had been some discussion regarding the additional restrictions and if they violate the Commerce Clause of the United States Constitution. He added the Commerce Clause does allow municipalities to interfere with commerce as long as it's not excessively burdensome and there is rational basis.

Council Member Franzen made a motion to approve Ordinance No. 2016-O-07, seconded by Council Member Brinker. Roll was called and answered unanimously. Motion carried 5-0.

### **Proposed Ordinance – Amending Ordinance No. 2004-O-07 - Relating to Residential Speed Humps – 1<sup>st</sup> Reading**

Mayor Reinersman presented to Council a proposed ordinance that relates to residential speed humps and stated the proposed ordinance was tabled during the previous month's meeting. He stated this proposed ordinance amends Ordinance No. 2004-O-07 which relates to residential speed humps.

Mr. Gatlin gave the proposed ordinance a first reading. He stated he provided to Council Ordinance 2004-O-07 indicating the proposed amendments. Mr. Gatlin stated the following amendments:

- Property owners within 1,000 feet of the proposed speed hump location shall receive a ballot, a minimum of 50% of ballots mailed shall be returned.
- A speed survey shall be used as the primary determination for the percentage of property owners required to install a speed hump.
- If the speed survey indicates the 85<sup>th</sup> percentile speed is at 8 or more miles per hour over the speed limit, than 51% of property owners need to vote in favor of speed hump installation.
- If the speed survey indicates the 85<sup>th</sup> percentile speed is between 5 and 7 miles per hour over the speed limit, than 75% of property owners need to vote in favor of speed hump installation.
- Changing from one vote per household to one vote per parcel per property owner.
- Upon approval of Council, a community may request a second speed survey, one year after the initial vote, and if the second speed survey indicates at the 85<sup>th</sup> percentile, the speed is at eight or more miles per hour over the speed limit, then a street may engage in a second petition and vote.

Council Member Franzen stated she would also like to add to the last amendment noted that if the community goes through second petition and the vote fails, they will have to wait 5 years until they can request an additional speed survey through Council.

Johnica Baker, 10291 Meadow Glen Drive, Independence – expressed her appreciation to Council Member Franzen for her help with changing the ordinance regarding the speed hump process.

### **Proposed Ordinance – Adopting Zoning Text Amendment Adding Restrictions on Outdoor Storage and Business Activities with the DI and GMU Zones - 1<sup>st</sup> Reading**

Mayor Reinersman presented to Council a proposed ordinance which adopts a zoning text amendment adding restrictions on outdoor storage and business activities within the DI (Downtown Independence) and GMU (Gateway Mixed Use) zones. Mr. Gatlin gave the proposed ordinance a first reading. He stated KCPC (Kenton County Planning Commission) has made a favorable recommendation to adding the restrictions on outdoor storage and business activities. He stated their reasons for supporting the proposed text amendment are: the added restrictions are allowable as authorized by KRS (Kentucky Revised Statute) 100.203 (1), are appropriate given the purposes of the DI and GMU zones, the DI and GMU zones are intended to allow development at a pedestrian scale and enhance the community, they help maintain or enhance the community character in these areas and consistent with similar restrictions in other commercial zones within Independence.

### **Award Bid – Frontier Drive Street Repairs**

Mayor Reinersman presented to Council the four bids that were received for the Frontier Drive reconstruction project. He stated the Engineer's estimate was \$143,100 and the lowest bid was from JPS Construction in the amount of \$119,316.

Council Member Yeager made a motion to award the bid to JPS Construction for the Frontier Drive reconstruction project in the amount of \$119,316. Council Member Aseere seconded. Roll was called and answered unanimously. Motion carried 5-0.

### **Award Bid – 2016 General Street Repair Program**

Mayor Reinersman presented to Council the five bids that were received for the General Street Repair program for 2016 which includes Lakefield and Claiborne subdivisions. He stated the Engineer's estimate was \$600,600 and the lowest bid was from Len Riegler Blacktop, Inc. in the amount of \$448,665.

Council Member Yeager made a motion to award the bid to Len Riegler Blacktop, Inc in the amount of \$448,665 for the 2016 General Street Repair Program. Council Member Aseere seconded. Roll was called and answered unanimously. Motion carried 5-0.

Marge Cook, 96 Carrie Way, Independence – addressed council to discuss the noise ordinance. She stated there are autistic children in her neighborhood who have panic attacks due to the noise from fireworks and loud vehicles. She stated she feels like it's a waste of taxpayers' money to have ordinances published such as the noise ordinance if they are not going to be enforced. Ms. Cook also stated the speeding is an issue on Carrie Way as well. The Mayor stated the police have watched Carrie Way and they will continue to do so.

Rita Hauke, 5346 Oakview Court, Independence – addressed council to complain about noise from her neighbors setting off fireworks while intoxicated. She stated it affects people with anxiety, children, veterans, people that have to get up early for work etc. and she has to clean up garbage and firework debris in her yard.

### **Pelly Road Bridge Update**

Public Works Director Dan Koch updated Council on the Pelly Road Bridge project. He stated the culvert pipe was installed the previous weekend. Mr. Koch stated the wing walls will be poured very soon and then the block walls will start to be set and it will start to look like a bridge.

Mayor Reinersman thanked Mr. Koch as well as the City and Kenton County's Public Works department for all of their efforts. Mr. Moriconi added his appreciation to both the city and County's public works departments and stated it was a great collaboration on the Pelly Road Bridge project.

### **Attorney's Report – Jack Gatlin**

Mr. Gatlin stated he wanted to update Council on the SD1 (Sanitation District No. 1) Interlocal Agreement situation. He stated several months ago Council authorized to participate in potential litigation with 10-12 other cities against SD1. Mr. Gatlin stated that SD1 has agreed to the proposed language and they will be sending out a new Interlocal Agreement for all cities to sign as well as a new lateral lines maintenance program. He stated the changes that are included in the new agreement are: 1) that SD1 will continue to fund an amount around \$350,000 per year, and 2) SD1 will be solely responsible for costs incurred with fixing necessary lateral lines as well as any remediation costs for sidewalks, roads, etc. Mr. Gatlin stated with this new Interlocal Agreement, the indemnification became null and void and the city will receive a refund.

**City Administrator Report – Chris Moriconi**

Mr. Moriconi stated his appreciation to everyone who attended the Independence Celebration during the July 4<sup>th</sup> event and thanked volunteers and city staff for their help.

**Mayor’s Report – Chris Reinersman**

Mayor Reinersman stated his appreciation to everyone that was a part of the Independence Celebration including the Police Department, Parks and Recreation Director Nita Brake, Police Academy Alumni Association, the Explorers and Council Member Brinker. He stated Dan Koch and Chris Moriconi worked together to display the Police Flag banner on the city building and the picture was shared on the city’s Facebook page. The Mayor stated there are currently around 83,000 views and 730 shares of the flag picture which got the point across that we stand behind our Police Department and the community gets it.

**Executive Session in accordance with K.R.S. 61.810(c)**

At 7:40 p.m. a motion was made by Council Member Franzen and seconded by Council Member Deaton to go into executive session in accordance with K.R.S. 61.810(c) to discuss pending litigation. Motion carried with all ayes.

At 7:53 p.m. a motion was made by Council Member Brinker and seconded by Council Member Deaton to resume regular meeting.

**Adjournment**

There being no further business, a motion was made by Council Member Franzen and seconded by Council Member Deaton to adjourn. Motion carried with all ayes and the meeting ended at 7:55 p.m.

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Christopher J. Reinersman, Mayor

ATTEST:

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Patricia H. Taney, City Clerk