

COUNCIL MEETING

Minutes of August 15, 2016

City of Independence, Ky.

Opening

The City Council of the City of Independence, Kentucky met on Monday, August 15, 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 and opened with the Pledge of Allegiance and Council Member Bushong led the invocation. Roll was called and the following Council Members registered present: Bill Aseere, Tom Brinker, Jim Bushong, Lucas Deaton, Carol Franzen and Donna Yeager. 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.

Recognition of City Clerk Patricia Taney

Mayor Reinersman stated City Clerk Patricia Taney will be retiring at the end of August after 25 years of service. He presented Ms. Taney with a plaque which stated her service as Assistant Clerk from 1991 to 1998 and City Clerk from 1998 to 2016, Ms. Taney also received the Outstanding Clerk of the Year Award in 2012.

Chris Moriconi stated when he was Mayor for 12 years, he also worked a full time job and Ms. Taney helped keep him informed with deadlines, publications, Council meetings, tax bills, etc. Council stated their appreciation to Ms. Taney for her years of service and friendship.

Approval of the July 11, 2016 Regular Meeting Minutes

Mayor Reinersman asked Council if there were any changes or corrections they would like made to the Council Minutes for the regular meeting on July 11, 2016. Council Member Yeager questioned the wording in the paragraphs covering Ordinance No. 2016-O-07 which prohibits truck traffic on Pelly Road Bridge. Comments were noted and minutes will be amended to clarify the restrictions.

Council Member Franzen asked the Mayor for a Pelly Road Bridge update. Mayor Reinersman stated with the excessive heat and rain this summer, the Pelly Road Bridge will not be completed before school starts back up as hoped but is close to completion.

Council Member Aseere stated there's been some negative comments from drivers regarding the city and questioned if some directional signage could be added. Mayor Reinersman stated solar signs may be added to inform trucks not to enter Pelly Road.

Mayor Reinersman called for a motion to approve the amended meeting minutes for the Regular Meeting held on July 11, 2016. Council Member Franzen so moved, with a second by Council Member Brinker. Roll was called and answered unanimously. Motion carried 6-0.

Concrete Contract Extension – Ernst Concrete

Mayor Reinersman stated the contract with Ernst Concrete has expired and needs to be renewed. He stated the current contract with Ernst is for concrete usage for city projects.

Public Works Director Dan Koch stated the current price of concrete is \$92 a yard and the contract extension includes a \$5 increase for a total cost of \$97 a yard. He stated even with the price increase, the price is still cheaper than other concrete companies.

Council Member Bushong stated the price of diesel fuel has come down since the original contract was agreed to and suggested the city try to negotiate with Ernst regarding the price of the fuel surcharge.

Mayor Reinersman asked Council for a motion to approve the contract extension with Ernst Concrete for \$97 a yard. Council Member Yeager so moved, seconded by Council Member Bushong. Roll was called and answered unanimously. Motion carried 6-0.

Sanitation District No. 1 Agreements – For Participation in Private Sewer Lateral Repair Program and Interlocal Cooperation for Infrastructure Projects, Programs or Policies

Mayor Reinersman stated several months ago the city along with several other cities, threatened a lawsuit against SD1 (Sanitation District No. 1) regarding the private sewer lateral repair agreement. He stated the most recent agreement stated the property owner was responsible for repairs under the right of way and that changes with the new agreement.

Mr. Gatlin stated the new SD1 Board and several Northern Kentucky Mayors amicably worked out a resolution regarding the lateral lines repair agreement. He stated the first agreement includes participation in the private sewer lateral repair program which SD1 will budget \$350,000 each year for repairs, unless a 60 day notice is given prior to the budget cycle. Mr. Gatlin stated there is no indemnification due to the new agreement and SD1 will be solely responsible for all lateral line repairs in the right of way. He stated the second agreement is the Master Interlocal Cooperation Agreement which grants cooperation between the city and SD1 for infrastructure projects so SD1 can make repairs needs as needed within the right of way.

There was some discussion with Council regarding the SD1 letter regarding the \$350,000 SD1 has budgeted for repairs as well as the length of the agreement. Mayor Reinersman stated this agreement removes the responsibility from the property owners for the right of way repairs and puts it back on SD1. He stated the budgeted amount of \$350,000 is expected to be more than enough to cover any repairs incurred and is approximately 15% higher than the amount budgeted 2 years ago. Mr. Gatlin stated this agreement isn't perfect but the three Judge Executives are approvers of SD1's budget and won't back down on this issue in the future.

Council Member Bushong made a motion to approve the Mayor to sign the SD1 Agreement for Participation in Private Sewer Lateral Repair Program as well as the SD1 Interlocal Cooperation Agreement for Infrastructure Projects, Programs or Policies, seconded by Council Member Franzen. Roll was called and there were 4 votes in favor of and 2 opposing votes from Council Member Yeager and Council Member Aseere. Motion carried 4-2.

Ordinance No. 2016-O-08 – Amending Ordinance No. 2004-O-07 - Relating to Residential Speed Humps – 2nd Reading

Mayor Reinersman presented to Council Ordinance No. 2016-O-08 which is an ordinance relating to residential speed humps.

Mr. Gatlin gave Ordinance No. 2016-O-08 a second reading and stated this ordinance amends Ordinance No. 2004-O-07 which relates to residential speed humps.

Mr. Gatlin stated the following amendments to Ordinance No. 2004-O-07:

- 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 85th 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 85th 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 85th 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. However 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.

Mayor Reinersman asked Council for a motion to approve Ordinance No. 2016-O-08 which amends Ordinance No. 2004-O-07 relating to residential speed humps. Council Member Franzen made a motion, seconded by Council Member Yeager. Roll was called and answered unanimously. Motion carried 6-0.

Ordinance No. 2016-O-09 – Adopting Zoning Text Amendment Adding Restrictions on Outdoor Storage and Business Activities with the DI and GMU Zones – 2nd Reading

Mayor Reinersman presented to Council Ordinance No. 2016-O-09 which is an ordinance that 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 Ordinance No. 2016-O-09 a second 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.

Mayor Reinersman asked Council for a motion to approve Ordinance No. 2016-O-09 which adopts a zoning text amendment to add restrictions on outdoor storage within the DI and GMU Zones. Council Member Yeager made a motion, seconded by Council Member Franzen. Roll was called and answered unanimously. Motion carried 6-0.

Proposed Ordinance – Adopting 2016 Property Tax Rates – 1st Reading

Mayor Reinersman presented to Council the proposed ordinance which adopts the property tax rates for 2016. He stated the compensating rate is 0.275 on real property and 0.776 on personal property. Mayor Reinersman stated to balance the 2016/2017 budget, the real property tax rate needs to be 0.271. He stated for the average home price of \$161,000, it would be an increase of about \$27 for the year. He added the personal property rate will stay at 0.642.

Council Member Aseere asked the Mayor to list the highlights of the 2016/2017 budget changes. Mayor Reinersman stated significant items included setting aside \$100,000 for the new digital radio system in 2018, the Pelly Road Bridge project, Holton Drive replacement, increasing the roads budget from \$750,000 to \$1,000,000, which puts us closer to the engineers estimate of \$1,200,000 per year needed to stay on track, as well as adding a much needed public works employee.

Mr. Gatlin gave the proposed ordinance a first reading. He stated the proposed tax rate for real property is \$0.271 for each one hundred dollars of the assessed value and the personal property tax rate will remain at \$0.642 for each one hundred dollars of the assessed value.

Municipal Order No. 2016-MO-01 – Appointment of Gina Gabbard to City Clerk

Mayor Reinersman presented to Council Municipal Order No. 2016-MO-01 which approves the promotion of Assistant Clerk Gina Gabbard to City Clerk effective September 1, 2016.

Mr. Gatlin read Municipal Order No. 2016-MO-01 which approves the appointment of Mrs. Gabbard to City Clerk effective September 1, 2016 as Patricia Taney retires.

Mayor Reinersman asked Council for a motion to approve Municipal Order No. 2016-MO-01 which approves the promotion of Assistant Clerk Gina Gabbard to City Clerk effective September 1, 2016. Council Member Franzen so moved, seconded by Council Member Bushong. Roll was called and answered unanimously. Motion carried 6-0.

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

At 7:57 p.m. a motion was made by Council Member Bushong and seconded by Council Member Franzen to go into executive session in accordance with K.R.S. 61.810(c) to discuss pending or proposed litigation. Motion carried with all ayes.

At 8:48 p.m. a motion was made by Council Member Bushong and seconded by Council Member Franzen to resume the regular meeting. Motion carried with all ayes.

Adjournment

There being no further business, a motion was made by Council Member Franzen and seconded by Council Member Yeager to adjourn. Motion carried with all ayes and the meeting ended at 8:49 p.m.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk