

COUNCIL MEETING

Minutes of March 2, 2009

City of Independence, Ky.

Opening

The City Council of the City of Independence, Kentucky met on Monday, March 2, 2009 at 7:00 pm in the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Christian J. Moriconi presiding. Mayor Moriconi called the meeting to order with the Pledge of Allegiance. An invocation was given by Council Member Jim Bushong. Roll was called and the following Council Members registered present: Mary Pat Behler, Jim Bushong, Margaret Cook, Carol Franzen, Michael Little and Donna Yeager. Also present was City Attorney Jed K. Deters.

Approval of the February 9, 2009 Special Council Meeting Minutes

Mayor Moriconi called for a motion to approve the minutes of the special meeting held on February 9, 2009. Council Member Behler so moved, with second by Council Member Little. No amendments were noted; roll was called and answered unanimously. Motion carried 6-0.

Proposed Ordinance – Approving a Zoning Text Amendment (KCPC No. 1952R) Regulation Changes in NSC Zones – 1st Reading

Mayor Moriconi presented to Council a proposed ordinance that would accept the recommendation of the Kenton County Planning Commission for a zoning text amendment that would modify the NSC (Neighborhood Shopping Center) zone that would allow bakery and bakery goods stores to sell their products elsewhere off the premises where they are baked and to disapprove outdoor dining areas, as a conditional use, to have entertainment, music and sound amplifying systems. Mr. Deters commented that he drafted a proposed ordinance pursuant to the KCPC recommendation. Mayor Moriconi opened the floor for discussion on the recommendation.

A discussion ensued with Mr. Eric Deters, owner of the Bulldog's Roadhouse restaurant, who had requested Council consider these amendments to the zoning regulations. Council's main concern was that the outdoor music could be a nuisance to the adjoining residential areas. Mr. Eric Deters stated that the outdoor music would be mainly easy listening and acoustical types during the warmer months – May through September. Council discussed imposing some restrictions that included distance from residential zones and hours that music could be played. Council Member Yeager suggested that the music could be played until 10:00 p.m. on weekdays and 11:00 p.m. on weekends. Further discussion identified weekends as Friday and Saturday nights and weekdays as Monday through Thursday. Mayor Moriconi asked for a motion to indicate if the proposed ordinance should be amended to permit the outdoor music.

Council Member Bushong moved with second by Council Member Yeager to add as a conditional use, entertainment, music, and sound amplifying systems within the outdoor dining areas, with the additional conditions that the same is only permitted during the months of May through September, acoustical music shall be permitted Sunday through Thursday until 10:00 p.m. and until 11:00 p.m. on Friday and Saturday. No roll call; motion carried with four ayes and two no votes.

The City Attorney gave the proposed ordinance a first reading as amended by Council. Mayor Moriconi stated the ordinance would be presented for a second reading at the April 6, 2009 meeting.

Occupational License Fees

Mayor Moriconi presented to Council a revised Interlocal Agreement with Kenton County for the collection of the City's Occupational License Fees and Taxes. The revised agreement would incorporate the City of Covington into the county-wide business license, and in doing so would raise the county-wide license fee to \$225.00. Also the county would increase their collection fee from 1% to 2%. Mr. Groth commented that the fee has not been increased since the inception of the original agreement which was approximately fifteen years ago.

Council Member Franzen expressed concern that the agreement allows the County to increase the collection fee in any even numbered year. Mr. Groth advised the County would have to notify each participating City prior to any increase, along with documentation of increased costs incurred by the County in providing the services to justify the increase.

Council Member Little questioned language in the agreement wherein the County would charge a consultation fee of \$75.00 per hour. Mr. Groth stated the City would have to request special consultation over and above the services otherwise provided in this agreement.

Mr. Groth suggested that he address Council's concerns with a representative from the County office. Mayor Moriconi stated this issue would be tabled until the April meeting.

Resolution No. 2009-R-03 – Authorizing the Grant Application for Sidewalk Funds from the Kentucky Transportation Enhancement Program

Mayor Moriconi presented to Council Resolution No. 2009-R-03 which would approve the application to the Kentucky Transportation Cabinet for assistance under the Transportation Enhancement Programs (TEA-21) for 80% funding of a sidewalk project along Madison Pike estimated at \$184,750.00. Mr. Deters read Resolution No. 2009-R-03.

Council Member Franzen moved to adopt Resolution No. 2009-R-03, seconded by Council Member Yeager. Roll was called and answered unanimously. Motion carried 6-0.

Ordinance No. 2009-O-03 – Approving Cincinnati Bell Cable Franchise – 2nd Reading

Mayor Moriconi presented to Council for a second reading Ordinance No. 2009-O-03 that would grant and issue a competitive, non-exclusive franchise for a term of twelve years to Cincinnati Bell Extended Territories LLC. Mayor Moriconi stated that the Telecommunications Board of Northern Kentucky (TBNK) resubmitted this ordinance with an amendment since the first reading, but that the City Attorney has reviewed it and advises that the change was not significant to warrant a new first reading. Mr. Deters gave Ordinance No. 2009-O-03 a second reading.

There being no discussion, a motion was made by Council Member Behler and seconded by Council Member Little to adopt Ordinance No. 2009-O-03. Roll was called and answered unanimously. Motion carried 6-0.

City Administrator Report – Dan Groth

Mr. Groth submitted a written report to Council. He advised that he would be meeting with the City Engineer to work on bids for a single-lane steel bridge for Old Richardson Road near Crowe Road. He also reported that Ms. Brake has applied for a grant for the proposed basketball courts in Memorial Park and is working on a T21 grant for the proposed sidewalk project from Simon Kenton High School to Shaw Road. He stated that he is looking into other infrastructure projects that would fall under the federal stimulus packets for which the City could apply for funding.

Mr. Groth stated that Kenton County will be holding their annual Spring Clean Up from Friday, April 3rd through Sunday, April 5th and that the City's annual Easter Egg Hunt will be held in Memorial Park on Saturday, April 4th beginning at Noon.

Attorney's Report – Jed K. Deters

Mr. Deters stated he did not have anything to report.

Mayor's Report – Christian J. Moriconi

Mayor Moriconi reminded everyone that Daylight Savings would commence on Saturday.

Crowe Road Bridge Discussion

Council Member Bushong asked if the residents near Crowe Road/Richardson Road have been notified. Mr. Groth advised that a letter was sent to the residents. The City received a written reply signed by seven of the residents/property owners, wherein they advised they were opposed to the closing of the bridge. A discussion ensued regarding the legal process the City would have to take in order to close the bridge. Mr. Deters suggested that the bridge be closed temporarily in coordination with the bidding out of the replacement bridge. He stated that the Police Chief has the authority to close the bridge on an emergency basis for up to two weeks, without taking prior legal action, and to protect the City from liability. Mr. Groth stated that he hoped to have the bids out soon.

A motion was made by Council Member Bushong and seconded by Council Member Little to authorize the City Attorney to begin legal proceedings to close the bridge temporarily. Roll was called and answered unanimously. Motion carried 6-0.

Adjournment

There being no further business, Council Member Yeager moved to adjourn the meeting, seconded by Council Member Franzen. Motion carried with all ayes and the meeting ended at 7:58 p.m.

Christian J. Moriconi, Mayor

Attest:

Patricia H. Taney, City Clerk