

# **COUNCIL MEETING**

**Minutes of September 14, 2009**

**City of Independence, Ky.**

## **Opening**

The City Council of the City of Independence, Kentucky met on Monday, September 14, 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. Roll was called and the following Council Members registered present: Jim Bushong, Margaret Cook, Carol Franzen, Michael Little and Donna Yeager. Council Member Mary Pat Behler was absent. Also present was City Attorney Jed K. Deters.

## **Approval of the August 3, 2009 Regular Council Meeting Minutes**

Mayor Moriconi called for a motion to approve the minutes of the regular meeting held on August 3, 2009. Council Member Franzen so moved, with second by Council Member Yeager. No amendments were noted; roll was called and answered with four ayes and one pass vote by Council Member Bushong. Motion carried.

## **Approval of the August 27, 2009 Special Council Meeting Minutes**

Mayor Moriconi called for a motion to approve the minutes of the special meeting held on August 27, 2009. Council Member Yeager so moved, with second by Council Member Little. No amendments were noted; roll was called and answered unanimously. Motion carried 5-0.

## **Privileges of the Floor**

Marty Hahn with E & H Bridge Company thanked Council for purchasing a new bridge from his company that replaced the old Crowe Road bridge.

Kirk & Margaret Huesman, 77 Roselawn, Independence – addressed Council with a request to amend the City's current vicious dog ordinance that would include language to ban pit bulls. The Huesman's provided Council information they have researched that would support their position that banning a specific breed of dog does not violate dog owner's rights. Mrs. Huesman stated that she would like Council to review the documents and consider a ban or at least place restrictions on the ownership and housing of pit bulls.

Zoning Administrator, Annie Wuestefeld stated that the City's current vicious dog ordinance requires that the dog (any breed) bite someone before it is deemed vicious.

Kenton County Police Chief Ed Butler stated that from their perspective dog cases are difficult to prosecute because the enforcement officer has to actually witness the dogs act of violence. He stated that the City of Covington has a very comprehensive ordinance that does not actually ban specific breeds but requires more control of the dog owner.

Mike Ponzer, 85 Roselawn, Independence – advised Council that there are two pit bulls on their street that demonstrate vicious behavior causing senior citizens to carry a stick with them when taking a walk. He said the only thing restraining the dogs from getting loose is a (door/window) screen. He stated that Covington's ordinance has such tight restrictions that it makes it unaffordable for a resident to own a pit bull.

Council Member Little advised that Council did a lot of research prior to adopting the current vicious dog ordinance, about two years ago. He stated that the dog 'handlers' have a direct effect on the dog's behavior. He stated that it sounds like the dog problem on Roselawn is a handler/owner problem.

Craig Burris, 66 Roselawn Drive, Independence – stated that he is a police officer for the City of Florence and that Florence’s ordinance states that the dog just has to exhibit a propensity to bite, regardless of the breed, for it to be in violation. He stated he believes that the restrictions need to be placed on the dog owners who allow their animals to display vicious behavior. He stated the pit bull dogs on his street are not constrained in any manner and while he does not want to violate anyone’s civil rights he would like to ensure the safety of the children and other residents of the City. He stated that he feels pit bulls are unpredictable and he doesn’t want to stand by and wait for something bad to happen.

A lengthy discussion ensued. Council was in agreement that the current ordinance should be amended to have stricter regulations that would hold the dog owners more accountable for their animal’s behavior and also provide enforcement officers the tools they would need to prosecute offenders. Council Member Franzen stated that it seems that pit bulls are the only breed that the City gets complaints on. Further discussion centered on adding language to the ordinance that would allow the enforcement officers to cite the owners of dogs that exhibit vicious behavior prior to actually biting someone. Council Member Bushong agreed that if a dog has the propensity to be vicious or attack it would be good to add that language to the ordinance.

In closing the discussion, Mayor Moriconi commented that it appears there is no support for breed specific legislation that would ban pit bulls, but that amendments to the City’s current ordinance would assist the enforcement officers in future situations.

#### **Ordinance No. 2009-O-12 – Adopting 2009 Property Tax Rates – 2<sup>nd</sup> Reading**

Mayor Moriconi presented for a second reading Ordinance No. 2009-O-12 that would adopt the 2009 property tax rates, both real and personal property. He stated the proposed rates would be the same rates as last year. He advised the 2009/2010 budget would allow for this. There being no questions from Council, Mr. Deters read Ordinance No. 2009-O-12 establishing the ad valorem tax on real estate property at \$0.200 dollars for each one hundred dollars (\$100.00) of assessed value and a personal property tax rate of \$0.596 dollars for each one hundred dollars (\$100.00).

Council Member Bushong moved to adopt Ordinance No. 2009-O-12, seconded by Council Member Franzen. Roll was called and answered unanimously. Motion carried 5-0.

#### **Resolution No. 2009-R-13 – Approving the Financing of a New Public Services Truck**

Mayor Moriconi presented to Council Resolution 2009-R-13 that would approve a lease-purchase agreement with Fifth Third Bank for the financing of a new public works vehicle and also authorize him to execute the related documents. Mr. Deters read Resolution No. 2009-R-13.

Council Member Yeager moved to adopt Resolution No. 2009-R-13, seconded by Council Member Little. Roll was called and answered with four ayes and one no vote cast by Council Member Cook. Motion carried 4-1.

#### **Award Bid for 2009 Street Repair Program**

Mayor Moriconi presented to Council the results of the bids received for the 2009 Street Resurfacing Project. He stated that the City received great prices with the city engineer recommending that the bid be awarded to Len Riegler Blacktop submitting the lowest bid at \$145,586.25. In all, four bids were received with the high bid being \$178,632.00. The streets in this project are: Dogwood, Sycamore, Walnut, Mayflower, Sugar Camp and Sugar Tree.

There being no discussion, council Member Little moved to award the bid to Len Riegler Blacktop in the amount of \$145,586.25, seconded by Council Member Bushong. Roll was called and answered unanimously. Motion carried 5-0.

### **Occupational License Agreement with Kenton County**

Mayor Moriconi presented to Council a revised Interlocal Agreement with Kenton County for the collection of the city occupational license fees and taxes. City Administrator Dan Groth explained to Council that this revised version of the current Agreement with the County includes new language that explains the new formula for the allocation of the county-wide license fee to the participating cities and how the allocation will be updated each year. He stated that the new allocation formula will be a more equitable distribution of the county-wide license and allow for a reconfiguration each year.

There being no discussion, Council Member Little moved to approve the Interlocal Agreement with Kenton County for the collection of the City occupation license and fees, seconded by Council Member Yeager. Roll was called and answered unanimously. Motion carried 5-0.

### **City Administrator's Report – Dan Groth**

Mr. Groth reported that he would like to petition the State to close off the egress/ingress to Old Richardson Road at Madison Pike for safety reasons. A brief discussion ensued. This intersection had been closed but was reopened while a new bridge was being installed on Crowe Road. Council Member Franzen suggested that if the State did not officially reopen the intersection then it should be okay to re-install the barriers to close the road. Council Member Cook commented that she feels the intersection should remain open for emergencies. Mayor Moriconi suggested that the City check with the State before taking action on closing the road.

Mr. Groth reported that the City will be splitting the cost with Sanitation District No. 1 for a detention pond needed for the Memorial Park improvements.

Mr. Groth advised that the Carrie Way road project is just about complete except for the sidewalk area that is still being worked on. He praised the Public Works employees for doing an excellent job.

Mr. Groth announced that the Police Department will be holding an Operation Medicine Cabinet as part of the Northern Kentucky Drug Strike Force. The event will be held at the Senior Center on October 1, 2 & 3. This program allows citizens to drop off their expired prescriptions, no questions asked, so they can be disposed in a proper manner. The goal is to deter flushing the prescriptions down the toilet which contaminates the water system.

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

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

### **Mayor's Report – Christian J. Moriconi**

Mayor Moriconi requested an executive session to discuss possible land acquisition.

**Executive Session**

At 8:22 p.m. City Attorney Jed Deters requested an executive session in accordance with K.R.S. 61.810 (b) to discuss possible land acquisition. Council Member Franzen so moved, seconded by Council Member Little. Motion carried with all ayes.

At 8:35 p.m. Council Member Franzen moved to reconvene the regular meeting, seconded by Council Member Bushong. Motion carried with all ayes.

**Adjournment**

There being no further business, Council Member Franzen moved to adjourn the meeting, seconded by Council Member Bushong. Motion carried with all ayes and the meeting ended at 8:35 p.m.

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Christian J. Moriconi, Mayor

Attest:

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Patricia H. Taney, City Clerk