

**Opening**

The City Council of the City of Independence, Kentucky met on Monday, November 2, 2009 at 7:00 pm in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Christian J. Moriconi presiding. Mayor Moriconi called the meeting to order and opened 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 and Donna Yeager. Council Member Mike Little was absent. Also present was City Attorney Jed K. Deters.

**Approval of the October 5, 2009 Regular Council Meeting Minutes**

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

**Presentation – Report on OKI Fiscal Impact Study**

Mayor Moriconi introduced Larisa Sims, Regional Planning Manager with OKI Council of Governments and Dennis Gordon, Executive Director of NKAPC who would be reporting on a fiscal impact study in which the City was a participant.

Mr. Gordon advised Council that OKI approached them about a collaborative effort to design custom software that would assist local agencies in calculating costs and revenues associated with new development and/or land use changes. He stated that this would be a great benefit for local jurisdictions for zoning and development plans. He stated the software would calculate in quantifiable terms the revenue that the development would generate by way of tax revenue as well as the related City expenses to provide services to that development.

Mrs. Larisa Sims conducted a power point presentation that explained a fiscal impact which includes typical costs to the local government such as providing additional public safety and transportation investments. She stated that a fiscal impact analysis measures cash flow to and from the public sector and provides comparison data. Mrs. Sims advised that the NKAPC assisted in the development of the Fiscal Impact Analysis Model which includes specific information for Independence and will be officially launched on November 9, 2009. She stated that the information used is not based on regional or national averages and that Independence was one of ten partner communities in the Greater Cincinnati area and the only one in Kenton County chosen as a pilot city for the model. She stated that specific information such as tax rates and community characteristics can be input into the software and the resulting analysis will provide an insight into whether the planned zoning and/or development changes will be a positive or negative impact on the local government. Mrs. Sims cautioned that fiscal impacts are only one of many factors that provide a reason for land use changes and should not be the sole factor in deciding a land use issue and that all factors have to be balanced with the overall needs of the community.

There was a brief question and answer exchange with the Council Members. Council Member Behler asked if other similar tools are being used around the country. Mrs. Sims stated they found a few similar models but they really were not comparable to this model in terms of comprehensive and simple use. She stated they feel that this is a cutting edge model.

City Administrator, Dan Groth commented that the City will begin using this software for future planned developments.

Resident Don Nienabor, 66 McCullum Road, asked the cost of this software. Mayor Moriconi commented that this software will not cost the City anything as this is being funded by NKAPC. There being no further discussion, Mayor Moriconi thanked Mrs. Sims and Mr. Gordon for their presentation.

### **Privileges of the Floor**

**Ms. Betty Cheek, 23 Apple Drive, Independence** – addressed Council with a request to ban on-street parking in the “s” curve on both sides of Apple Drive behind the funeral home. She stated that it has become a hazardous section of the street when cars are parked in the “s” curve.

City Administrator Dan Groth stated that he has talked to the Police Chief about erecting No Parking signs in this area of Apple Drive. He said that the problem occurs often times when there is a parking overflow from the Chambers and Grubbs Funeral Home parking lot.

City Attorney Jed Deters advised that the Police Department can erect No Parking signs on a temporary basis, but that to ban parking in this “s” curve on a permanent basis that the City would need to declare this a No Parking Zone. After a brief discussion it was decided to direct the Police Department to install temporary no parking signs until a legal, permanent remedy could be achieved.

### **Ordinance No. 2009-O-13 – Amending Vicious Dog Ordinance No. 2007-O-25 – 2<sup>nd</sup> Reading**

Mayor Moriconi presented for a second reading Ordinance No. 2009-O-13 that would amend the Vicious Dog Ordinance No. 2007-O-25. He stated the amendments would give the enforcement officer/agent authority to deem any breed of dog to have vicious propensity after the said officer/agent personally observed the dog’s behavior. Another major amendment to the original ordinance would be the banning of exotic and wild animals.

Council Member Behler moved to adopt Ordinance No. 2009-O-13, seconded by Council Member Yeager. There was a brief discussion. Mr. Deters read Ordinance No. 2009-O-13. Roll was called and answered with four ayes and one no vote cast by Council Member Cook. Motion carried 4-1.

### **Resolution No. 2009-R-14 – Affirming States Rights under 10<sup>th</sup> Amendment & Support Kentucky BR 54**

Mayor Moriconi presented to Council Resolution No. 2009-R-14 that would support the affirmation of the States rights under the 10<sup>th</sup> amendment and support Kentucky BR 54. Mr. Deters read Resolution No. 2009-R-14.

Council Member Franzen moved to adopt Resolution No. 2009-R-14, seconded by Council Member Yeager. Roll was called and answered unanimously. Motion carried 5-0.

### **Municipal Order No. 2009-MO-05 – Re-appointment of Maura Snyder to Kenton County Planning Commission**

Mayor Moriconi presented to Council for consideration Municipal Order No. 2009-MO-05 that would approve the re-appointment of Maura Snyder to the Kenton County Planning Commission. Mayor Moriconi commented that Ms. Snyder’s has done a good job for the City, has the experience and has good attendance at the meetings.

Council Member Franzen moved to adopt Municipal Order No. 2009-MO-05, seconded by Council Member Bushong. Roll was called and answered with four ayes and one no vote cast by Council Member Cook. Motion carried 4-1.

**City Administrator’s Report – Dan Groth**

Mr. Groth announced that congratulations were in order for Public Services Crew Leader Dan Koch who has achieved his Roads Scholar designation from the Kentucky Transportation Department.

He also reported that the City would be placing an ad for requests for proposals for banking services. He said the City is not unhappy with the current bank services, but feels it is good to re-bid every few years in order to get better rates.

Mr. Groth stated that ISAC has some designs for a new “Welcome to Independence” monument sign. He advised that ISAC members will make a presentation at the next Council meeting. They will also discuss and seek approval to proceed with working on form based codes with NKAPC. He stated that the next step for ISAC will be to form a Steering Committee that will actively begin to implement the suggestions in the Downtown Study.

**Attorney’s Report – Jed K. Deters**

Mr. Deters stated he did not have anything to report but requested an executive session to discuss possible land acquisition.

**Mayor’s Report – Christian J. Moriconi**

Mayor Moriconi reported that the Public Services crew has been dealing with dams being construction by beaver in the Banklick Creek.

**Executive Session**

At 7:55 p.m. Council Member Bushong moved to go into an executive session in accordance with K.R.S. 61.810 (b) to discuss possible land acquisition, with second by Council Member Franzen. Motion carried with all ayes.

At 8:07 p.m. Council Member Franzen moved to reconvene the regular meeting, seconded by Council Member Behler. Motion carried with all ayes.

**Adjournment**

There being no further business, Council Member Cook moved to adjourn the meeting, seconded by Council Member Franzen. Motion carried with all ayes and the meeting ended at 8:08 p.m.

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Christian J. Moriconi, Mayor

ATTEST:

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Patricia H. Taney, City Clerk