

Opening

The City Council of the City of Independence, Kentucky met on Monday, December 7, 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, Mike Little and Donna Yeager. Also present was City Attorney Jed K. Deters.

Approval of the November 2, 2009 Regular Council Meeting Minutes

Mayor Moriconi called for a motion to approve the minutes of the regular meeting held on November 2, 2009. Council Member Behler so moved, with second by Council Member Yeager. No amendments were noted; roll was called and answered with five ayes and one abstention voiced by Council Member Little. Motion carried.

Presentation by Keith Logsdon, NKAPC on Form Based Codes

Mayor Moriconi introduced Keith Logsdon; Deputy Director of Long Range Planning for the Northern Kentucky Area Planning Commission who would be presenting the concept of adopting form based zoning codes. City Administrator, Dan Groth advised that Mr. Logsdon would explain what form based codes is and the process involved in crafting this zoning text. He commented that the Planning Commission is currently working with the City of Covington on this concept.

Mr. Logsdon began by saying that the concept of form based codes was a key component of the Small Area Study that the City adopted in 2008. In creating form based codes they would look at three areas, those being the courthouse area, the intersection of McCullum and New SR17 and the existing area around the New SR17 that is currently under development. He said the overview of the project would be similar to that of the Small Area Study as a committee would be created to work with them on the project and public meetings would be held to obtain citizen input. The process would take a year and would first begin with organizing a committee sometime between January and March 2010 and then in April the NKAPC staff would begin working with the Committee members on a monthly basis and scheduling public meetings. He stated the end result of the form based codes concept would be presented as proposed text and map amendments to the Council for adoption. Mr. Logsdon advised that the form based zoning codes would be drafted to tailor the City's vision regarding future development in achieving a specific urban form.

Mr. Groth commented that adopting form based zoning codes is the next step in achieving one of the objectives of the Small Area Study. He stated that Council Members Behler and Yeager have already volunteered to sit on the committee. He advised it will take 2-3 months to form the Committee.

Mr. Logsdon commented that the Fiscal Impact Study can be used in this process as well and that Independence is the only city in Kenton County to currently have this capability. Mayor Moriconi asked what developers don't like about form based zoning codes. Mr. Logsdon replied that he has not heard many negative comments from developers and that most like the increased density and flexibility.

Mr. Logsdon advised that the City will not be charged for the Planning Commission's work on this project so no contract will be necessary.

Council Member Behler commented that form based zoning codes will provide the City with an opportunity to adopt a unique look so that we don't look like other cities in the region.

Council Member Bushong moved to approve the City's collaboration with the NKAPC staff in developing a form based zoning code text amendment proposal and the proposed zoning map amendments. Council Member Behler seconded the motion. Roll was called and answered with five ayes and one no vote cast by Council Member Cook. Motion carried 5-1.

Presentation by Rodney Crice, ISAC – Proposed Monument Sign Design

Mayor Moriconi advised Council that he had asked ISAC (Independence Strategic Action Committee) members to come up with a gateway sign design. He introduced ISAC Chairman Rodney Crice who would present their design concept of a gateway sign.

Mr. Crice presented to Council a sketch of a gateway sign along with a site plan. He stated that several months ago the committee presented a master plan concept for wayfinding signs. In the sketch they are presenting their thoughts on what the sign should look like. He gave further details about the proposed sign which would be made of various materials including limestone and stone walls. The basic sign would be ten feet wide by six feet tall and include the text "The City of Independence," "The Heart of Kenton County," and "Founded 1842." It would also include a graphic of a cupola. Mr. Crice advised the site location for the sign would be at the intersection of New SR17 and McCullum Road. He indicated that the sign would have a fifty foot setback, include ground mount lighting, extensive landscaping and because of budget constraints the sign would be built in phases.

A question and answer period ensued with Council regarding the proposed site, font lettering on the sign and the projected cost of the sign, walls, lighting and landscaping. Mr. Crice advised that the sign and wall masonry would run approximately \$20,000. He stated that the sign site would be situated in the right of way and would be a very visible location. Mayor Moriconi commented that he would like to add "Welcome" to the sign. Mayor Moriconi commented that everyone seems to like the overall concept of the sign. He requested that the suggested changes to the sign's text be submitted at the next Council meeting and he thanked ISAC for the time they have spent on preparing this sign concept.

Privileges of the Floor

Don Randall, 125 Carrie Way, Independence – addressed Council by stating that he was representing St. Barbara Church with a request that the City sponsor the application of a zoning text amendment that would allow electronic board signs as a conditional use.

Mr. Groth advised Council that the City's current signs regulations allow signs to be lit from within but not LED with animation or flashing features. In order to allow these type signs the City would need to reconsider adopting the Model Sign ordinance as proposed by the Planning Commission or take this individual request and pass a Resolution approving the application of a text amendment. He stated the process could take approximately 5-6 months as the Planning Commission would review the application and make a recommendation to the City as to whether or not the City should change the zoning text to allow this type sign. He stated that if the City would adopt a text amendment to allow this as a conditional use, then the next step would be for the church to apply to the Board of Adjustments to request the conditional use.

Mr. Deters stated he would get with City staff to compose proposed text language and submit to Council in the form of a resolution at the next regular meeting.

Award Bid for Banking Services

Mayor Moriconi announced that the City solicited proposals for banking services and received five bids. He stated that it had been four years since the bank services were put out for bid and that it is good to re-bid these services every so often.

Finance Director Teresa Hudson provided a bid summary which indicated that three banks offered to pay interest on the full amount of our deposits but would also charge fees for the services provided and another bank offered no fees, but required a compensating balance in exchange for no fees. Mrs. Hudson stated it is her recommendation that the City award the bid to Park National Bank as they are offering to provide services with no fees and with no compensating balance requirement. She stated that no compensating balance requirement would mean the City would earn interest on the full amount of all deposits. She stated that Park National also offered the highest interest rate on deposits.

A brief discussion ensued. John Nienabor representing Park National Bank responded to some questions from the Council Members. Council Member Bushong questioned that the closest bank branch was in Florence. Mr. Nienabor stated that a bank representative would stop in at the City building on a regular basis to pick up deposits. Another concern was that Park National was a smaller bank. Mrs. Hudson advised that they are fully covered by FDIC insurance so everything would be fully covered with no additional risk. Council Member Behler asked if the City had checked references. Mrs. Hudson stated the bid did not request references, just a list of other clients to indicate they have experience with similar clients.

Council Member Franzen moved to award the banking services bid to Park National Bank, seconded by Council Member Behler. Further discussion ensued. Mr. Nienabor assured Council that Park National has provided a fair bid with rates that will be in effect for the four year contract period. He stated that Park National is headquartered in Newark, Ohio and has been in business for 100 years with assets totaling \$7-8 billion. He stated he is a native of Kenton County and manages the Florence office. He assured Council that they will utilize various methods of deposits that include pickups at the city office, lock box facility and check scanners. Mrs. Hudson further explained compensating balance to the Council. There being no further discussion roll was called and answered unanimously. Motion carried 6-0.

Proposed Ordinance – No Parking Section on Apple Drive – 1st Reading

Mayor Moriconi presented to Council for a possible first reading a proposed Ordinance that would make it unlawful to park any motor vehicle, trailer, truck, motorcycle, or the like, at any time, on any portion of both sides of Apple Drive from its intersection with Madison Pike to a point on Apple Drive, 420 feet from said intersection. Mr. Deters gave the proposed ordinance a first reading. Mayor Moriconi advised the ordinance would be presented at the January meeting for a second reading.

City Administrator's Report – Dan Groth

Mr. Groth reported that the City took over maintenance of Marshall Road in 2006 as part of the agreement with Kenton County. He advised that the road has six major slippages that are in dire need of repairs. He stated that this past summer the City applied for Emergency Road Aid funds to repair and resurface parts of the road and has been awarded \$100,000. He stated that he has met with County and State officials to determine how to get the most work done for the money received from the State. He stated that the City will need to budget further repairs to the slippages over the next few years. Mr. Groth advised that it is necessary to make some repairs as soon as possible as the asphalt plants will be closing in a few weeks. He requested that Council declare an emergency exists so that the City can circumvent the bidding process for this project. He stated the bidding process will take several weeks and by then winter will have set in and the asphalt plants will be closed until Spring. Mr. Groth stated that the City Attorney has

advised that KRS 45A.380, which is part of the procurement code, provides for non-competitive bidding if an emergency is declared by the Mayor. He stated that they have secured proposals from three contractors for the blacktopping and Hennecke Drilling has stated they will honor the State contract bid for doing the pier work. He requested that Council declare an emergency exists on Marshall Road and approve Riegler's proposal to do the blacktopping at \$60/per ton of asphalt and approve Hennecke Drilling to do the pier work. He stated the project could begin next week and be completed before Christmas. Mayor Moriconi stated the entire project will not exceed the \$100,000 received from the State.

A brief discussion ensued. Council Member Bushong expressed concern about more slippage and wondered if there are alternative routes for school busses. Captain Tony Lucas assured him that there is an alternative route that could be used. Council Member Cook commented that the properties on Marshall Road are not in the City and wanted to know how the City ended up being responsible for the maintenance of this road. She stated she is concerned that because this is on a creek bed that the slippage won't go away. Mr. Deters replied that the City had no choice and obtained the maintenance of this road as part of the settlement of the City's lawsuit against the County. Mayor Moriconi advised that sections of Marshall Road are fine and there are a lot of City roads that follow creeks. Mr. Groth stated that another section of the road may be pried up with the remaining funds received from the State. Council Member Behler commented that this project has been delayed as the City was waiting to see if the State would provide the emergency road aid funds and the amount of funds that would be provided.

Council Member Yeager moved to declare that an emergency exists on Marshall Road because there is major slippage occurring and furthermore moved to bypass the bidding process to make some road repairs before winter sets in and the asphalt plants close and to award the project to Hennecke Drilling and Riegler Blacktopping. Council Member Behler seconded the motion. Roll was called and answered with five ayes and one no vote cast by Council Member Cook. Motion carried 5-1.

Attorney's Report – Jed K. Deters

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

Discussion Regarding Unsafe Conditions at Intersection of McCullum Road & New SR17

Council Member Yeager addressed Council regarding the unsafe conditions that exist at the intersection of McCullum Road and the New section of SR17. She stated she feels the City should petition the State for a traffic light at this intersection before a fatality occurs. Mayor Moriconi concurred and suggested meeting with the State Transportation Department officials to discuss this intersection. Mr. Groth advised that the City did request a light at this intersection and the State has denied the request. He stated he would get with the Police Chief and discuss re-petitioning the State. Mayor Moriconi stated that he would request Senator Damon Thayer and State Representative Tom Kerr send a letter of support for a light to the Transportation Department.

Mayor's Report – Christian J. Moriconi

Mayor Moriconi stated that today is Pearl Harbor Day, a somber day in our nation's history. He expressed gratitude to all our country's military veterans

Executive Order No. 2009-EO-01

Mayor Moriconi presented Executive Order No. 2009-EO-01 that would re-appoint Dave Millward to the Telecommunications Board of Northern Kentucky (TBNK) for a two-year term beginning on January 1, 2010 and ending on December 31, 2012. No objections were noted.

Executive Order No. 2009-EO-02

Mayor Moriconi presented Executive Order No. 2009-EO-02 that would appoint himself as the primary representative for the City on the Northern Kentucky Area Planning Commission with Council Member Donna Yeager as the alternative representative. No objections were noted.

Miscellaneous Comments & Announcements

Council Member Franzen thanked everyone for the flowers that were sent to her while she recovered from her recent surgery.

She also announced that Independence Christian Church would be operating an emergency food pantry that would be open every Friday. She asked that anyone who knows of people in need to please send them to the Church pantry.

Council Member Franzen also commented that a zoning violation exists on Carrie Way. A resident has piled roof shingles in the front yard and strung Christmas lights on them. Mr. Groth advised the resident would be notified of the violation.

Brighten up the Holidays contest

Mayor Moriconi announced that the Independence Businesses Association (IBA) would be sponsoring a contest this year called "Brighten up the Holidays." Prizes will be awarded to the best houses decorated for the Christmas holidays, with the first place winner receiving \$100 and coupons from local businesses. He stated there is a \$10.00 entry fee which will be donated to the Family Resource Center.

Adjournment

There being no further business, Council Member Franzen moved to adjourn the meeting, seconded by Council Member Little. Motion carried with all ayes and the meeting ended at 8:22 p.m.

Christian J. Moriconi, Mayor

ATTEST:

Patricia H. Taney, City Clerk