

COUNCIL MEETING

Minutes of February 1, 2010

City of Independence, Ky.

Opening

The City Council of the City of Independence, Kentucky met on Monday, February 1, 2010 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 January 4, 2010 Regular Council Meeting Minutes

Mayor Moriconi called for a motion to approve the minutes of the regular meeting held on January 4, 2010. Council Member Little so moved, with second by Council Member Franzen. No amendments were noted; roll was called and answered unanimously. Motion carried 6-0

Privileges of the Floor

Mr. Larry Hamilton and Ms. Leslie Knight came before the Council to request the City sponsor a zoning text amendment application that would add pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) zone.

Mr. Hamilton stated he has looked at the Beechgrove Shopping Plaza as a good location for a pawn shop. He had four pawn shop locations in Lexington and while he is aware that this type of business can be perceived negatively, they provide loans to people struggling to meet their bills as well as sell items.

Council Member Bushong asked if they would sell weapons. Mr. Hamilton stated they usually sell used and new weapons, but would be willing to not sell weapons. He stated that when he operated the pawn shops in Fayette County the county police would come in every day to check the inventory. A brief discussion ensued. Council Member Behler expressed concern that some residents would not welcome this type of business in their neighborhood. Council Member Yeager stated she would like to hear from the residents of Beechgrove as she would like their input.

Mr. Deters advised Council that sponsoring the text amendment would just be the first step in the process of adding this type of business to the NC zone. He stated the Planning Commission would make a review and then a recommendation to the City as to whether or not they feel this should be a permitted use. Mayor Moriconi advised that if this was approved that it would affect all NC zones not just the Beechgrove Plaza.

Council Member Franzen stated she did not have a problem sponsoring the application to the Planning Commission to get their recommendation and therefore made a motion to do so, seconded by Council Member Cook. Roll was called and answered with three ayes and three no votes cast by Council Members Behler, Bushong and Yeager. There being a tie vote of the Council, Mayor Moriconi broke the tie by voting yes. Motion carried 4-3 in favor of sponsoring a text amendment application. Council Member Franzen announced she would also be interested in hearing from the residents on this issue.

Traffic Signal at the Intersection of McCullum and New SR17

Council Member Yeager asked what the status was regarding the City's request to the State to install a traffic signal at the McCullum Road/New SR17 intersection. Mr. Groth advised he spoke with Rob Hans, District 6 Chief Engineer for the Transportation Cabinet, who stated that

the preliminary tests indicate there is no change from the prior tests they performed, but they are continuing to study the area. A discussion ensued with some Council Members in favor of going to Frankfort to lobby for a traffic light at this intersection. Council Member Bushong suggested that maybe the State would consider installing a caution light. Council Member Yeager stated that she feels a traffic light would be the best solution for this intersection. Mr. Groth will keep Council informed of any developments on this issue.

Privileges of the Floor (continued) – Discussion Regarding Plans for a “Welcome to the City of Independence” Monument Sign

Mayor Moriconi advised that people signed in to address the Council regarding a proposed “Welcome to the City of Independence” monument sign. He stated he wanted to clear up a misunderstanding and make it clear that the City did not budget \$25,000 for this sign. He stated the amount budgeted in the 2009/10 budget is \$10,000. He stated that those who still wished to speak on this issue were welcome to do so, but he just wanted to make that clear.

Bill Cobble, 5257 Madison Pike, Independence – addressed Council regarding his feelings about the proposed monument sign. He stated that he is not against ‘welcome’ signs but is not in favor of building four of these monument signs, at four different locations, at the cost of \$25,000 each. Mr. Cobble went on to express concerns he has for raising taxes, cutting waste in the budget and fixing city roads. He opined that the Council should do the right thing and get the City’s priorities in order. Before yielding the floor, Mr. Cobble presented to the Mayor petitions (attached hereto) signed by the residents who are against the monument signs.

Again, Mayor Moriconi advised the audience that the City has budgeted \$10,000, not \$25,000, for one monument sign, not four, which is planned to be constructed at the intersection of the new section of SR17 and Pelly Road.

Rita Hauke, 5346 Oakview Court, Independence – stated she did not feel the City needed to spend \$10,000 on one sign that would be surrounded with landscaping and lightning. She stated she feels that landscaping is a maintenance expense which is a waste of money. She went on to express concerns that the City needs to be more conservative with the taxpayers’ money and that Council should buckle down in the budget.

Mayor Moriconi explained that the committee (ISAC) of volunteers just presented a sign concept to the Council at the last meeting. He stated he feels this sign concept has been blown out of proportion as the City, other than setting aside \$10,000 in the current budget, has not acted on the concept. He stated that no elected official has been quoted as saying the City will be spending \$25,000 on this monument sign. He stated the City has not taken bids for the sign and that it is possible that the Public Works employees would construct the sign.

Mr. Jim Caldwell, 850 Independence Station Road, Independence – stated that while he is not against the monument sign, he does feel that \$10,000 is a lot for one sign. He asked that the Council provide the exact plans for the sign to the residents when the plans become available.

A brief discussion ensued among the Council Members. Council Member Little tried to provide some history regarding the idea behind the monument sign. He stated it was an idea that came from citizen input during the Small Area Study. He stated that the citizens that participated in the Study considered signage a priority. He also informed the audience that the City wasn’t actually certain of the cost for this type of sign, but decided to set aside \$10,000 in the budget. Council Member Yeager commented that people have told her that when driving along the new section of SR17 that they don’t know they have arrived in Independence and end up in Nicholson. Council Member Behler agreed that visitors to the City cannot find the City when using the new SR17, which is a reason that installing signage is an important priority for the City.

Privileges of the Floor (continued)

Tom Daniels, 25 Carrie Way, Independence – addressed Council regarding two issues, the first being that he lives on a dead end street and cars are parked on one side and the other is speeders on his street. He stated he has talked to the police about this and a cruiser will come by but does not stay and run radar.

Mr. Daniels also complained that he has been notified by the City that he is not permitted to keep his trailer, yet he notices other properties that have campers and boats and he feels that nothing is being done about them. He specifically mentioned the property across from the new office building in the downtown area.

Zoning Administrator Annie Wuestefeld responded to Mr. Daniels by stating that the cars parked in violation on the street are a police issue that would be handled by the Police Department. She also advised Council that in 2009 the City notified 1300 property owners regarding zoning violations on their property. She stated that all but forty-five owners came into compliance with the City zoning laws. She went on to say that sometimes a violation will go unnoticed by City staff, but the City has continually worked to get the violations under control.

Proposed Ordinance – Approving Zoning Text Amendment for Sign Regulations – 1st Reading

Mayor Moriconi presented to Council a proposed ordinance that would amend the text of the current zoning ordinance to delete all current definitions and regulations regarding signage and adding new definitions and regulations for signage. He thanked Council Member Little for the time he spent on the revisions to this ordinance.

Council Member Little led the discussion with Council in reviewing the proposed revisions. After the revisions were made and agreed upon by the Council, Mr. Deters gave the ordinance its first reading. Mayor Moriconi advised the ordinance would be presented for a second reading at the next meeting.

Proposed Ordinance – Approving Map Amendment to Amend Stage I Development Plan for the Independence Village – 1st Reading

Mayor Moriconi presented for a first a proposed ordinance that would approve an amended Stage I map amendment to change an approximate 13.3 acre area located at the northwest corner of the intersection of the new Madison Pike and Centennial Blvd. from R-2 (PUD) to R-3(PUD).

Mayor Moriconi commented that this amendment would change the density of the multi-family section of this PUD development so that the residential construction could begin. A brief discussion ensued. Developer, Jim Bertram advised they would like to begin the development by Spring, but still needs to get the preliminary plat approved and then begin the Stage II approval process. Mr. Bertram handed out an informational packet for this planned apartment community to be called Independence Oaks. He advised Council the information contained in these packets was the same information presented at the Kenton County Planning Commission public hearing. He stated that this amended Stage I Plan for the apartment development received unanimous approval from the Planning Commission. He stated that part of the amended proposal would include two ground signs and two directional signs. Council Member Bushong asked what the rent would be for the apartments. Mr. Bertram advised that a two-bedroom would rent for \$875/month and a 3-bedroom would rent for \$1,025/month. When asked about the common space and if there would be any changes, Mr. Bertram advised that most of the common area would be left in its natural state. Mr. Bertram asked the Council if they would consider having a special council meeting later this month to get final approval of this amended Stage I ordinance so that they could then move on to getting the preliminary plat

approved before the end of February. He stated after the preliminary plat is approved, and because this is a PUD development, they must then submit a Stage II application and the builder would like to begin construction in April.

After a brief discussion regarding a date and time for a special council meeting, the Mayor and Council Members agreed to hold a special meeting on Thursday, February 11, 2010 at 7 p.m. at which time a second reading of the ordinance would be presented.

Mr. Deters gave the proposed ordinance that would amend the Stage I map amendment for the Independence Village development a first reading.

Proposed Ordinance – Approving the Closing of a Portion of Lily Drive – 1st Reading

Mayor Moriconi presented for a first reading a proposed ordinance that would close a portion of Lily Drive no longer being needed since the relocation of Richardson Road, with adjoining two property owners having provided the City with notarized requests and consent for the proposed closing. Mr. Deters gave the ordinance a first reading.

Discussion Regarding Lawn Maintenance Contract

Mayor Moriconi presented to Council for their consideration the current contract for lawn maintenance with Malco Services and asked if they wanted to extend the current contract per the price schedule as outlined in the original bid or if they wanted to put this service out for bid again. He stated that Malco does a good job for the City. A brief discussion ensued.

Council Member Behler moved to put the lawn and park maintenance services out for bid, seconded by Council Member Cook. Roll was called and answered with three ayes and three no votes cast by Council Members Bushong, Franzen and Yeager. Mayor Moriconi broke the tie by voting yes. Motion carried 4-3 to re-bid the lawn/park maintenance services.

City Administrator's Report – Dan Groth

Mr. Groth stated that he did not have anything to report.

Attorney's Report – Jed K. Deters

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

Mayor's Report – Christian J. Moriconi

Presentation of the Annual Audit – Fiscal Year ending June 30, 2009 – Mayor Moriconi advised Council that a copy of the annual audit was provided to them in the meeting packet and if they have any questions about the audit they should contact the Finance Director.

Mayor Moriconi advised that he has received a lot of calls regarding a letter many residents have received about the repair of public water lines. He advised everyone to be cautious of acting on this notice as it is a scam and the company that sent this notice is not associated with the City.

Marshall Road

Council Member Cook stated that she wanted to clarify the reason she voted against the Marshall Road repairs at the December meeting. She stated she was not a member of Council when the City finalized the agreement with the county on taking over maintenance of certain roads which included Marshall Road. She stated she agrees that the road needs to be repaired, but she feels the City should not have accepted maintenance of Marshall Road. Mayor Moriconi advised that the City assumed the ownership and maintenance of Marshall Road as part of a lawsuit settlement with the County. Council Member Cook reiterated that she feels the City should not have agreed to the responsibility for that street as it does not touch city property. Council Member Little advised that Marshall Road does touch the city and that the City

accepted maintenance of this road in exchange for the County taking maintenance of Independence Station Road which was part of the lawsuit settlement.

Noise Nuisance Ordinance Discussion

Council Member Cook advised she has spoken to the Police Chief regarding loud cars and motorcycles and she is looking into proposing an amendment to the City's current noise nuisance ordinance at a future council meeting. She stated she is reviewing other cities noise ordinances and the City of Covington has a good one.

Board of Ethics Ordinance Discussion

Council Member Cook stated she recently attended a Board of Ethics meeting where they discussed the question of hiring practices, specifically employee's relatives. She advised that the Ethics Board has recommended that the City update the Ethics ordinance to remove any vagueness. She stated the City Attorney will speak with the Ethics Board chairman to propose amendments to the current ethics ordinance.

Adjournment

Before closing the meeting, Mayor Moriconi advised that a March 1, 2010 regular meeting would only be held if needed. There being no further business before the Council, Council Member Franzen moved to adjourn the meeting, seconded by Council Member Behler. Motion carried with all ayes and the meeting ended at 9:18 p.m.

Christian J. Moriconi, Mayor

ATTEST:

Patricia H. Taney, City Clerk