

Opening

The City Council of the City of Independence, Kentucky met on Monday, June 7, 2010 at 7:00 p.m. 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.

Proclamation presented to Marian Cummins, Independence Resident and The Enquirer's Women of the Year

Mayor Moriconi introduced and welcomed Independence resident Marian Cummins. He stated that the City is excited and honored to have Mrs. Cummins here. He stated that Mrs. Cummins has been recognized as one of ten women chosen by *The Enquirer* to be awarded the honor of *Women of the Year*. Mayor Moriconi presented Mrs. Cummins with a Proclamation expounding on her long and distinguished career in private business and public service. Mrs. Cummins' personal and professional achievements include being a co-founder of the Nurse Advocacy Center for the Underserved at Northern Kentucky University which provides nurse volunteers to social service agencies as well as a mentor to nursing students, volunteer and part time educator at NKU.

Mrs. Cummins thanked Mayor Moriconi and Council and stated that she has lived in this community for thirty-four years and to receive this special recognition from her community is particularly rewarding to her.

Presentation by Ann Brandon, Senior Public Education Specialist of the Women's Crisis Center Regarding *Green Dot* Intervention Program

Mayor Moriconi welcomed and introduced Ms. Ann Brandon who is the Senior Public Education Specialist of the Women's Crisis Center who would speak about the *Green Dot* Intervention Program.

Ms. Brandon informed Council that Independence will be in the national spotlight as Simon Kenton High School has been chosen to be part of the *Green Dot* intervention program which is a national study that will train the students to recognize violent situations. She stated this is a program that is funded by the CDC. Ms. Brandon added that while Independence is not a violent community this program will engage the high school students through education and skills practice regarding violence and teach intervention techniques with the hopes of reducing violence in our society. She stated that Phase 1 & 2 have been completed at the school. In closing, Ms. Brandon stated that Simon Kenton High School will be the national model and that Kenton County is the first county in the nation that has done this.

Approval of the May 3, 2010 Regular Council Meeting Minutes

Mayor Moriconi called for a motion to approve the minutes of the regular meeting held on Monday, May 3, 2010. Council Member Bushong so moved, with second by Council Member Yeager. One amendment was noted by Council Member Behler; there being no objection roll was called and answered unanimously. Motion carried 6-0.

Ordinance No. 2010-O-09 - Amending Chapter 91 of the Code of Ordinances Adding a New Section Dealing with Removal of Dog Excrement – 2nd Reading

Mayor Moriconi presented for a second reading Ordinance No. 2010-O-09 that would amend Chapter 91 of the code of ordinances by adding a new section dealing with dog excrement removal. Mr. Deters gave Ordinance No. 2010-O-09 a second reading.

Council Member Franzen moved to adopt Ordinance No. 2010-O-09 seconded by Council Member Behler. Council Member Cook asked how the ordinance would be enforced. A brief discussion ensued and everyone concurred that the dog/owner would have to be caught in the act in order to enforce this ordinance. There being no further discussion roll was called and answered unanimously. Motion carried 6-0.

Ordinance No. 2010-O-10 - Amending the 2009/2010 Budget – 2nd Reading

Mayor Moriconi presented to Council for a second reading Ordinance No. 2010-O-10 that would amend the 2009/10 budget. Mr. Deters gave Ordinance No. 2010-O-10 a second reading.

Council Member Yeager moved to adopt Ordinance No. 2010-O-10 seconded by Council Member Little. There being no discussion, roll was called and answered unanimously. Motion carried 6-0.

Ordinance No. 2010-O-11 - Adopting the 2010/2011 Budget – 2nd Reading

Mayor Moriconi presented for a second reading Ordinance No. 2010-O-11 that adopts a budget for the 2010-2011 fiscal year. Mr. Deters gave Ordinance No. 2010-O-11 a second reading.

Council Member Franzen moved to adopt Ordinance No. 2010-O-11, seconded by Council Member Bushong. A brief discussion ensued. Council Member Behler expressed concerns that the projected revenue for the rental unit fee will not cover the cost to administer and collect. She stated she is concerned that the City will expend more funds in staff labor to make annual inspections to enforce the fee/license than the City will receive in revenue that will be collected from the fee. Mayor Moriconi stated for the record that he doesn't want to expend more than the City would collect, but that collection and enforcement would not even begin until 2011. Council Member Behler stated that she also believes the licensing of rental units will be hard to enforce. Mayor Moriconi stated that he feels a system is in place that will enable us to locate most properties that are rentals. He stated that if the license/fee does not accomplish the goals the City hoped for then the Council may want to reconsider this next year. Council Member Bushong suggested tracking staff hours to get an idea of the amount of hours it costs to enforce this ordinance. He stated he would be willing to look at this in a year to see if it is paying for itself. Council Member Behler commented that it was mentioned at the last meeting that the projected revenue would not even cover the police calls for service hours spent at the apartment complexes. Mayor Moriconi stated that while it will not fully cover the police time that it will somewhat offset the police expense. Mr. Groth commented that the rental unit license will require landlords to meet minimum building code standards before a license will be issued to permit the unit to be rented. Council Member Behler advised that she would be voting no on the budget ordinance and just wanted to say that she believes this revenue line item will effect the budget in the long run. Mayor Moriconi commented that he did not believe it was hurting the budget and would actually provide some enforcement and offset some of the expense of police time spent at the rental complexes.

There being no further discussion, roll was called and answered with five ayes and one no vote cast by Council Member Behler. Motion carried 5-1.

Ordinance No. 2010-O-12 - Amending the Employee Pay and Classification Plan – 2nd Reading

Mayor Moriconi presented for a second reading a Ordinance No. 2010-O-12 that will adopt a Pay and Classification Plan for the 2010/2011 fiscal year. Mr. Deters gave Ordinance No. 2010-O-12 a second reading.

Council Member Yeager moved to adopt Ordinance No. 2010-O-12, seconded by Council Member Franzen. Roll was called and answered unanimously. Motion carried 6-0.

Resolution No. 2010-R-09 – Sponsoring a Text Amendment Application Regarding Off-Street Parking Regulations

Mayor Moriconi introduced Resolution No. 2010-R-09 that would support the City making application for a zoning text amendment to amend Article 11 Off-street parking and access control regulations, Section 11.2. The text amendments would affect Section 11.2 (T) Offices for professional, business, financial, real estate and other business: Section 11.2 (W) Retail and personal service, and Section 11.2 (Z) Shopping Centers by decreasing the number of parking spaces required for those affected zones

A brief discussion ensued. Council Member Yeager asked what prompted these proposed text changes. Mayor Moriconi advised that he has had several businesses approach him about these parking regulations. He stated he has discussed this with Mrs. Wuestefeld and learned that the City's parking regulations are more restrictive than other communities in this area. He stated that the proposed changes have been modeled after the City of Fort Wright. Mr. Deters advised that developers pay high dollar for commercial property and a portion of that is higher price for more parking areas. Mrs. Wuestefeld commented that the developers can't meet the parking requirements for the current available lots in the City. She stated that many prospective developers leave when they become aware they can't meet the City's parking requirements. She stated that only three types of business uses would be affected in this section of the zoning text.

There being no further discussion, Council Member Cook moved to approve Resolution No. 2010-R-09, seconded by Council Member Franzen. Roll was called and answered unanimously. Motion carried 6-0.

City Administrator Report – Dan Groth

Mr. Groth reported that Simon Kenton High School is undergoing a complete renovation of their parking lot area in the front of the school building. He stated they will be installing a side walk area as well. Mr. Groth advised that the City would complete the sidewalk area from the school to the intersection of Shaw Road and Madison Pike.

Mr. Groth announced that the Police Department's new recruit - Jeff Young - has graduated from the Police Academy last week and was valedictorian of his class.

Attorney's Report – Jed K. Deters

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

Mayor's Report – Christian J. Moriconi

Mayor Moriconi reported that this year's July 4th fireworks celebration will be held on July 2 & 3 and that the City has received \$29,500 in corporate/business donations to offset the cost of this event. He stated this is an increase of \$5,000 over last year's donations, which is incredible considering the weak economy. Mayor Moriconi advised he would recognize these sponsors in the June newsletter. He thanked Tony Lucas, Nita Brake, Shawn Butler and Council Member Yeager for all their efforts in soliciting the private donations for the fireworks.

Mayor Moriconi reported that the restrooms located in the Shadybrook subdivision has been the target of vandals so it has been decided to keep the restroom building locked unless there is a sport activity taking place at the park.

Mayor Moriconi advised that Flag Day is June 14th and there will be a flag burning ceremony held at Sterling Staggs Park at 7:00 p.m. on that day.

In closing, Mayor Moriconi announced and congratulated the seniors at the Independence Senior Center who are the proud champs of this year's Wii bowling tournament.

Miscellaneous

Council Member Behler reported that the monument sign at the entrance of the Lakefield subdivision is currently being maintained by the City as the property on which the sign is located has been vacated. She stated these monument signs are not a problem if they are maintained by a Homeowners' Association, but are a problem when they are located on private property, which concerns her.

Mrs. Wuestefeld advised that most monument signs are located on private property and the property owner generally signs an agreement to maintain the area. If not maintained, then the City mows the area and liens the property owner as it is the property owners responsibility to maintain this sign area.

Council Member asked if July 12th would be the next meeting. Mayor Moriconi advised that the City observes the July 4th holiday on Monday July 5th and the City's ordinance states that if the regular meeting falls on a holiday or observed holiday, then the meeting would fall to the second Monday of the month.

Executive Session

At 7:43 p.m. Mr. Deters requested an executive session in accordance with K.R.S. 61.810 (b) for deliberations on possible future acquisition or sale of real property. Council member Franzen so moved, seconded by Council Member Bushong. Motion carried with all ayes.

At 7:57 p.m. Council Member Franzen moved to resume the regular meeting, seconded by Council Member Yeager. The motion carried with all ayes.

Adjournment

There being no further business, Council Member Behler moved to adjourn the meeting, seconded by Council Member Little. Motion carried with all ayes and the meeting ended at 7:57 p.m.

Christian J. Moriconi, Mayor

ATTEST:

Patricia H. Taney, City Clerk