

**THE CITY COUNCIL MEETING AGENDA
AND DOCUMENTS ARE ALL DRAFTS AT
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**ALL ITEMS ARE SUBJECT TO CHANGE OR
REMOVAL UP TO MEETING TIME.**



CITY OF INDEPENDENCE
COUNCIL MEETING AGENDA
October 5, 2020
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of September 14, 2020

OLD BUSINESS

- **ORDINANCE NO. 2020-O-07** – Adopting 2020 Tax Rates – 2nd Reading
- **ORDINANCE NO. 2020-O-08** – IT Supply Solutions LLC Occupational Tax Credit – 2nd Reading

NEW BUSINESS

- **PROPOSED ORDINANCE** – Webster Road – lane width change – 1st Reading
- **PROPOSED ORDINANCE** – Berling/Glenhurst Annexation – 1st Reading

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION in accordance with K.R.S. 61.810(c)

ADJOURNMENT

ORDINANCE NO. 2020-O-07

AN ORDINANCE OF THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, PROVIDING FOR THE ANNUAL ASSESSMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY WITHIN THE CITY OF INDEPENDENCE, WHICH IS SUBJECT TO TAXATION THEREBY, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2020, AND ENDING ON JUNE 30, 2021, AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES AND THE PENALTIES AND INTEREST THEREON; AND DESCRIBING THE PURPOSE FOR WHICH THE TAXES SO COLLECTED SHALL BE APPROPRIATED AND USED.

BE IT ORDAINED BY THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

The City of Independence hereby provides for the assessment of all real and personal property within the City of Independence, which is subject to taxation thereby, for the fiscal year which begins on July 1, 2020 and ends June 30, 2021 by the use of the last annual assessment thereof, by the Property Valuation Administrator of Kenton County, Kentucky.

SECTION II

The following ad valorem taxes for the fiscal year beginning on July 1, 2020 and ending on June 30, 2021 are hereby levied, assessed and imposed by and for the City of Independence, upon the following described property which is subject to taxation within the City of Independence, and the owners thereof, jointly and severally:

- A. An ad valorem tax on **real property**, at the rate of **\$0.271 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the provisions hereof; and
- B. An ad valorem tax on all **personal property** other than motor vehicles at the rate of **\$0.634 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the terms and provisions hereof; and

SECTION III

The taxes levied pursuant to the terms hereof shall be due and payable on or before March 1, 2021 at the Office of the City Clerk, and shall be subject to a discount of 2% if paid before the end of the business day on January 1, 2021. If said taxes due hereunder are not paid by midnight on the evening of March 1, 2021 **a penalty of 15 % thereof, plus interest thereon at the rate of 6% per annum** will be attached effective March 2, 2021 until paid, plus the cost of collection, including without limitation, court costs and attorney's fees.

SECTION IV

In order to secure the payment of the ad valorem taxes hereby levied and assessed, and all penalties, interest, fees, commissions, charges and other expenses, including court costs and attorney's fees, incurred by reason of any delinquency in the payment thereof or the process of collection, the City of Independence has a lien therefore upon the property upon which such taxes are hereby levied and assessed; and such lien has priority over all other obligations or liabilities for which the property is liable, except state and county taxes, with which it has equal priority.

SECTION V

The provisions of this ordinance are severable, and the invalidity of a provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VI

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: September 14, 2020

Second Reading: October 5, 2020

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2020-O-08

AN ORDINANCE OF CITY OF INDEPENDENCE, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY IT SUPPLY SOLUTIONS LLC UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010–KRS 154.32-100).

WHEREAS, IT Supply Solutions LLC has expended approximately \$1.9 million to expand their manufacturing operation located at 7067 Production Ct., Independence, Kenton County, Kentucky, by constructing a new 24,000 square foot addition to their current facility at 7067 Production Ct. Additionally, IT Supply Solutions LLC will create 15 new full-time Kentucky resident jobs with an annual salary of \$54,000, excluding benefits.

WHEREAS, IT Supply Solutions LLC is soliciting support from the City of Independence of its application under the Kentucky Business Investment Program (KBI) under KRS 154.32-010–KRS 154.32-100. The application of IT Supply Solutions LLC received preliminary approval from the Kentucky Economic Development Finance Authority (KEDFA) as an approved Economic Development Project on August 27, 2020.

WHEREAS, KRS 154.32-090 (3) (b) permits that the "approved company or, with the authority's consent, an affiliate of an approved company may require that each employee subject to tax imposed by KRS 141.020, whose job is determined by the authority to be created as a result of the economic development project, as a condition of employment, agree to pay an assessment of up to four percent (4%) of taxable wages."

WHEREAS, Independence Mayor Reinersman indicated in writing on August 14, 2020 his willingness to support a .5% of the City of Independence Occupational License Fees on new Kentucky-resident jobs created by IT Supply Solutions LLC as part of this Economic Development Project for a ten-year period after project completion. This local credit of .5% will be based on the relative estimate of occupational license fees for the City of Independence generated by this economic development project over a ten-year period. This local credit will initiate a 1.5% Kentucky personal income tax credit on such new jobs under KBI and thus a total 2% credit.

WHEREAS, KRS 154.32 also entitles each employee paying the wage assessment fee to an equal credit against his/her Kentucky income tax and an equal credit against his/her local occupational license fee, both for ten years. IT Supply Solutions LLC under KRS 154.32, will impose up to a 2% wage assessment as a condition of employment and shall be authorized to deduct the 2% assessment from each payment of wages to qualified employees, with such assessment only to be utilized as permitted by KRS 154.32-010–KRS 154.32-100.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTON COUNTY, COMMONWEALTH OF KENTUCKY:

SECTION I

The City of Independence authorizes a credit of its Occupational License Fee pursuant to the Kentucky Business Investment Program (KRS 154.32-010–KRS 154.32-100) for and throughout a ten-year period (beginning and ending as stipulated in the Wage Assessment Agreement executed between KEDFA and IT Supply Solutions LLC.) **equal to 0.5%** on the wages of the new IT Supply Solutions LLC Kentucky-resident employees created as part of this Economic Development Project.

SECTION II

That if any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION III

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 5th **day of** October, 2020.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading September 14, 2020

Second Reading: October 5, 2020

Ayes: _____

Nays: _____

PUBLICATION DATE: _____

ORDINANCE NO. 2020-O-

AN ORDINANCE AMENDING ORDINANCE 2004-0-15 and 2011-0-15 RELATED TO CONDITIONS FOR IMPROVEMENTS ON WEBSTER ROAD

WHEREAS the City of Independence passed Ordinance 2004-015 which laid out conditions for a zone change for the Meadow Glen Subdivision; and

WHEREAS the City of Independence in Ordinance 2011-015 made added changes amending the condition for improvements for Webster Road; and

WHEREAS, the Developer has approached the City of Independence to make added changes to the Development Plan and make further amendment to Ordinance 2004-015 and 2011-015.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I

That Ordinance 2004-0-15 and 2011-0-15 be amended as follows; Items in Bold and underlined are new and items stricken through are to be deleted.

That the recommendation of the Kenton County Planning Commission (Number Z-04-04-10/1683R), be accepted by the City of Independence and that the Independence Zoning Map be hereby amended by changing an approximate 170-acre area located along the south side of Independence Station Road between Webster Road and Cody Road, approximately 800 feet west of Webster Road, from R-1C to R-1C (PUD) subject to the following conditions;

1. That the area of the proposed Wolsing Park be dedicated to a public and /or private entity for operation and maintenance and remain publicly accessible as part of the "Park-link" system identified in the Area Wide Comprehensive Plan Update.
2. That the heights of structures do not exceed thirty-five (35) feet.
3. That pedestrian access to the area of the proposed Homeowners association and connection to Wolsing Park be provided in the northwest and southwest area of the site.
4. That the additional access point to the Arlinghaus property fronting on Webster Road be provided as identified in the colored version of the submitted development plan.
5. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
6. That the location, height, and type of all fences, walls, and signs be in general conformity with the underlying R-1C Zone.
7. That no lots in the development will be less than sixty (60) feet in width at the building set back line.

8. That the lots in the section of the development located adjacent to the western boundary line of the development will not be less than eighty (80) feet in width at the building set back line.
9. That the total number of lots do not exceed 385.
10. At such time as there are only fifty (50) lots remaining to be developed in the subdivision ~~one half (1/2) of the lots in the development~~ are developed, Webster Road be widened and paved to a width of ~~twenty two (22)~~ seventeen (17) feet from Independence Station Road back only to the point of intersection of the access street for the development with Webster Road.
 - 10a. Construction drawings including the last fifty (50) lots, Webster Road improvements and the second water main connection along Webster Road will be prepared and submitted for review and approval to the appropriate governmental agencies following adoption of this Ordinance. Regarding the last fifty (50) lots, no lots shall be platted nor will building permits be issued until such time that the Webster Road improvements and associated second water main connection as required by the agreement dated August 14 2020 between the Northern Kentucky Water District and the developer are constructed. Furthermore, if the Webster Road improvements and associated second water main connection are not constructed by December 31 2021, the required width of Webster Road reverts back to twenty two (22) feet and the second water main connection will be constructed as referenced in the agreement between the Northern Kentucky Water District and the developer.
11. That all lots within the development face the internal area of the development and not outward toward perimeter streets and that no curb cuts be permitted from Webster Road to lots abutting upon Webster Road.
12. That the minimum rear yard setback line of those lots only whose rear lot line abuts along the western right of way line of Webster Road be increased from twenty-five feet to fifty feet, including the greenbelt area.
13. That there be a greenbelt restriction along the most easterly rear fifteen feet of those lots only abutting along the western right of way line of Webster Road establishing such area as a natural greenbelt area, which shall prohibit the removal of trees and shrubbery from within the greenbelt.
14. That there be a Homeowners Association which shall provide for assessments to assure maintenance of common areas and further provide that in the event of a default in the Homeowners Association, title to common areas shall revert to the developer, its successors or assigns.
15. That applicant plant pine or evergreen trees at least 4 to 6 feet in height within the Webster greenbelt area not currently heavily wooded and vegetated, within 6 months of commencement of grading on the Wolsing property.
16. That Wolsing Woods Park property be subject to a perpetual Declaration of restrictive covenants restricting the use of said Park to green space and a natural preservation area.

SECTION II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.

ATTEST:

Christopher J. Reinersman, Mayor

Gina Gabbard, City Clerk

First Reading: October 5, 2020

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2020-O

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORIES WITHIN THE COUNTY OF KENTON, KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE CITY OF INDEPENDENCE, KENTUCKY, AND DEFINING BY METES AND BOUNDS THE TERRITORY ANNEXED

WHEREAS, Kentucky Revised Statute 81A.410 authorizes and delegates city legislative bodies the authority to annex territories; and

WHEREAS, Kentucky Revised Statute 81A.412 provides the manner in which said annexation should be accomplished through the consent of the property owner; and

WHEREAS, the property owner, by way of an annexation agreement, has provided written consent to the annexation; and

WHEREAS, the property herein described is adjacent to and contiguous to the city's boundaries; and

WHEREAS, by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, said property is urban in character or suitable for urban purposes without unreasonable delay; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTUCKY:

SECTION I

That the City of Independence does hereby and herewith annex to its present boundaries and include the same within the territorial limits of the City of Independence, Kenton County, Kentucky, the following described unincorporated land and area, located in the County of Kenton, Commonwealth of Kentucky, lying approximately 920 feet south of Hogrefe Road and approximately 270 east of Blooming Court, and is more particularly described as follows:

SEE ATTACHED EXHIBIT "A", Legal Description, "B", Plat

SECTION II

That this ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

First Reading: _____ October 5, 2020

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____