

**THE CITY COUNCIL MEETING AGENDA  
AND DOCUMENTS ARE ALL DRAFTS AT  
THE TIME OF POSTING.**

**ALL ITEMS ARE SUBJECT TO CHANGE OR  
REMOVAL UP TO MEETING TIME.**



**CITY OF INDEPENDENCE**  
**COUNCIL MEETING AGENDA**  
**May 3, 2021**  
Independence Municipal Center  
Council Chambers

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL OF MEMBERS**

**APPROVAL OF COUNCIL MINUTES:** Regular Meeting of April 5, 2021

**TATES CREEK DEVELOPMENT** – Apartment Proposal

**OLD BUSINESS**

**NEW BUSINESS**

- **PROPOSED ORDINANCE** – Text Amendment for Holland Development – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** – Map Amendment for Holland Development – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** – Annexation for Holland Development – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** – Adopting 2021-2022 Budget – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** – Employee Pay Classification 2021-2022 – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** - Interlocal Agreement for One Stop Shop – 1<sup>st</sup> Reading
- **RESOLUTION NO. 2021-R-13** – MRA Cooperative Agreement
- **RESOLUTION NO. 2021-R-14** – Body Armor GOLD Grant

**ATTORNEY’S REPORT** – Jack Gatlin

**CITY ADMINISTRATOR REPORT** – Chris Moriconi

- 5 Year Street Study

**MAYOR’S REPORT** – Christopher J. Reinersman

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

**ADJOURNMENT**

**ORDINANCE NO. 2021-O-0**

**AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING A DEFINITION FOR BREWERY, DISTILLERY, WINERY AND ADDING BREWERY, DISTILLERY, WINERY AS PERMITTED WITHIN A PLANNED UNIT DEVELOPMENT OVERLAY ZONE WITH USE SPECIFIC STANDARDS**

**WHEREAS**, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by the City of Independence, for the consideration of a text amendment, adding a definition for Brewery, Distillery, Winery and adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards;

**WHEREAS**, the PDS staff reviewed the application and recommended that the proposed text amendment be approved; and

**WHEREAS**, the Kenton County Planning Commission, upon reviewing the PDS staff recommendations and after holding a public hearing on April 1, 2021, voted to approve the text amendment on the basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1).

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

**SECTION I**

That the Independence City Council hereby approves said text amendment, attached hereto as Exhibit "A" incorporated by reference herein, adding a definition for Brewery, Distillery, Winery and adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards, on the following bases:

1. The proposed text amendment is authorized to be included within the text of the zoning ordinance per KRS 100.203.
2. Adding the definition of Brewery, Distillery, and Winery is consistent with the purpose of the definition Article, which is to clarify to the terms and concepts within the zoning ordinance and to provide consistency in the administration of the zoning ordinance.
3. Adding the definition of Brewery, Distillery, and Winery is reasonable. Basing the definition on the NAICS Codes ties this use to industry standard definitions.
4. Adding Brewery, Distillery, and Winery as permitted within the PUD Overlay Zone is consistent with the purpose of the PUD Overlay Zone, which is to promote the advantages of large scale site planning and the diversification of uses.
5. Providing use specific standards for Brewery, Distillery, and Winery is logical. These standards will provide protections for the community in a manner which is very common for uses with outdoor dining.
6. Based on testimony provided during the public hearing held on April 1, 2021.

**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.

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk

First Reading: May 3, 2021

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

**ORDINANCE NO. 2021-O-**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY FROM R-1B (A SINGLE-FAMILY RESIDENTIAL ZONE) TO R-2 (PUD) (A MULTI-FAMILY RESIDENTIAL ZONE WITH A PLANNED UNIT DEVELOPMENT OVERLAY); THE APPLICANT PROPOSES TO DEVELOP 85 RESIDENTIAL UNITS WITH A COMMUNITY CLUBHOUSE AND FOUR COMMERCIAL BUILDINGS TO INCLUDE TWO RESTAURANTS, A GAS STATION/GROCERY, AND A BREWERY ON AN AREA OF APPROXIMATELY 29.41 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TAYLOR MILL ROAD (KY 16) AND MADISON PIKE (KY 17).**

**WHEREAS**, a request for a map amendment was submitted by Holland Design and Construction on behalf of Sons of Independence, LLC, for; a proposed map amendment to the Independence Zoning Ordinance from R-1B (a single-family residential zone) to R-2 (PUD) (a multi-family residential zone with a planned unit development overlay); the applicant proposes to develop 85 residential units with a community clubhouse and four commercial buildings to include two restaurants, a gas station/grocery, and a brewery on an area of approximately 29.41 acres located at the northeast corner of the intersection of Taylor Mill Road (KY 16) and Madison Pike (KY 17); and

**WHEREAS**, the Kenton County Planning Staff reviewed the application and recommended that the proposed map amendment be approved; and

**WHEREAS**, the Kenton County Planning Commission, upon reviewing the staff recommendations and after holding a public hearing on April 1, 2021, voted to approve the map amendment, and;

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

**SECTION I**

That the Independence City Council hereby approves said Zoning Map Amendment pursuant to the attached and included minutes and recommendation from the Kentucky County Planning Commission, changing the zoning of the described areas on the following bases:

1. The proposed map amendment is in agreement with the adopted comprehensive plan. The proposed plan will provide new housing options in a development which will provide unique amenities and in close proximity to existing community services. The proposed map amendment is also consistent with the recommended land use of mixed-use and the rural community service area.
2. The submitted Development Plan meets the minimum requirements of the Independence Zoning Ordinance except for the following:

The submitted plan indicates a brewery as a part of this development. While not *PC2103-0002 City of Independence – Map Amendment 3* currently a permitted use, the City has submitted a text amendment to add this as a permitted use. If this text amendment is not approved, then the development plan will have to be revised.

3. Based on testimony provided during the public hearing held on April 1, 2021.

**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.

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk

First Reading: May 3, 2021

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

**ORDINANCE NO. 2021-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 way 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, COUNTY OF KENTON, COMMONWEALTH OF 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, approximately one acre, lying on the east side of Kentucky Highway 17 and the north side of Kentucky Highway 16 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: May 3, 2021

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

City of Independence, KY.  
**ORDINANCE NO. 2021-O-**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, THEREBY ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATIONS FOR THE OPERATION OF THE CITY GOVERNMENT, INCORPORATING LINE ITEMS, AND PROVIDING FOR MODIFICATION AND AMENDMENTS THERETO.**

**BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTUCKY AS FOLLOWS:**

**SECTION I**

Pursuant to the requirements of KRS 91A.030(10), the City of Independence shall during the fiscal year beginning July 1, 2021 and ending June 30, 2022 operate and be operated pursuant to the line item budget set forth in Section II and no monies shall be expended by or on behalf of the City of Independence except in accordance therewith.

**SECTION II**

The annual budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022 is as follows:

*SEE "EXHIBIT A" ATTACHED*

**SECTION III**

All ordinances or parts of ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION IV**

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk

First Reading: May 3, 2021

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_



**ORDINANCE NO. 2021-O-**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE IN KENTON COUNTY, KENTUCKY,  
ENACTING A PERSONNEL AND PAY CLASSIFICATION PLAN PURSUANT TO KRS  
83A.070(3).**

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

**WHEREAS**, the City of Independence maintains job descriptions and a pay scale for its employees in accordance with its annual budget, and

**WHEREAS**, KRS 83A.070 requires the legislative body of each city to adopt by ordinance personnel and pay classification plan, it is hereby ordained as follows:

**SECTION I**

The Personnel and Pay Classification Plan attached hereto and marked as Exhibit "A", sets forth the job title and pay scale for each employment position of the City of Independence, which have been developed and authorized in accordance with the City's annual budget previously adopted by ordinance.

**SECTION II**

The provisions of this ordinance are severable; and the invalidity of any 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 III**

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

**SECTION IV**

This ordinance shall be effective as soon as possible according to law.

**SECTION V**

This ordinance shall be published in summary pursuant to KRS 83A.060(9)

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk

First Reading \_\_\_\_\_ May 3, 2021 \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

**ORDINANCE NO. 2021-O-**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, ADOPTING AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE KENTON COUNTY FISCAL COURT AND THE CITIES OF BROMLEY, CRESCENT SPRINGS, CRESTVIEW HILLS, EDGEWOOD, ELSMERE, FORT WRIGHT, INDEPENDENCE, KENTON VALE, LAKESIDE PARK, LUDLOW, PARK HILLS, RYLAND HEIGHTS, TAYLOR MILL AND VILLA HILLS FOR CODE ENFORCEMENT IN KENTON COUNTY, KENTUCKY**

**WHEREAS**, , the Cities of Crescent Springs, Crestview Hills, Fort Wright, Kenton Vale, Park Hills, Ryland Heights, Villa Hills, Independence, Lakeside Park, Edgewood, Ludlow, Elsmere, Bromley and Taylor Mill, in the County of Kenton, Commonwealth of Kentucky ("Cities"), and the County of Kenton, Commonwealth of Kentucky ("County") have adopted an existing "Interlocal Agreement for the Kenton County Joint Code Enforcement Board" and thereby participate in the Kenton County Joint Code Enforcement Board; and

**WHEREAS**, , the Cities and County desire to amend the existing "Interlocal Agreement for the Kenton County Joint Code Enforcement Board" to continue the operation of said Joint Board but with material changes to its financial administration and responsibilities, implementing a 100% funding formula for PDS services to be paid by each City for projects within that City's jurisdiction, providing a balance of the cost associated with the City's level of use of the code enforcement program;

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

**SECTION I**

The City Council hereby approves the attached amended "Interlocal Agreement for the Kenton County Joint Code Enforcement Board" and authorizes Mayor Reinersman for the City of Independence, Kentucky, to sign the attached amended "Interlocal Agreement for the Kenton County Joint Code Enforcement Board", any and all other documents associated therewith, such as to assure that the City of Independence, Kentucky continue its participation in the Kenton County Joint Code Enforcement Board.

**SECTION II**

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

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk

First Reading: \_\_\_\_\_ May 3, 2021

Second Reading: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

PUBLICATION DATE: \_\_\_\_\_

City of Independence, Ky.  
**RESOLUTION NO. 2021-R-13**

County of Kenton

Incorporated City of Independence

**Resolution adopting and approving the execution of a Municipal Aid Coop Program Contract between the Incorporated City and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2021, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the Incorporated City.**

**Be it resolved by the Legislative Body of the Incorporated City that:**

The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the incorporated City; and

The Legislative Body of the Incorporated City does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and

The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said contract as set forth on behalf of the Legislative Body of Independence, and the City Clerk of Independence is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

**AYES**

**NAYS**

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COMMONWEALTH OF KENTUCKY.

SS:

INCORPORATED CITY OF INDEPENDENCE

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

I, Gina Gabbard, City Clerk of Independence certify that the foregoing is a true copy of the order above. Given under my hand and seal of office this the 3<sup>rd</sup> day of May 2021.

\_\_\_\_\_  
Gina Gabbard, City Clerk

CITY OF INDEPENDENCE  
**RESOLUTION NO. 2021-R-14**

**A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE KENTUCKY BODY ARMOR PROGRAM, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THIS PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.**

**WHEREAS**, the City of Independence, Kentucky (Kenton County) has made an application for funds from the Kentucky Body Armor Program for a project to be administered by the Kentucky Governor's Office for Local Development; and

**WHEREAS**, it is recognized that an application for and approval of body armor program funds impose certain obligations and responsibilities upon the City.

**NOW, THEREFORE**, be it resolved this the 3<sup>rd</sup> day of May 2021, by the City of Independence, Kentucky, Kenton County, Kentucky.

The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by GOLD for the furtherance of the above-referenced application and to act as the authorized correspondent for said project.

Members present voting in favor: \_\_\_\_\_

Members present voting against: \_\_\_\_\_

\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

\_\_\_\_\_  
Gina Gabbard, City Clerk