



CITY OF INDEPENDENCE
COUNCIL MEETING AGENDA
June 3, 2024
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of May 6, 2024

PROCLAMATION – Recognition of Senator Damon Thayer

DR. MIKE REESER – Presentation on Medical Cannabis

OLD BUSINESS

- **ORDINANCE NO. 2024-O-06** – Proposed Map Amendment for Madison Pike – 2nd Reading
- **ORDINANCE NO. 2024-O-07** – Amended Budget for 2023-2024 – 2nd Reading
- **ORDINANCE NO. 2024-O-08** – Proposed Budget for 2024-2025 – 2nd Reading
- **ORDINANCE NO. 2024-O-09** – Employee Pay Classification – 2nd Reading

NEW BUSINESS

- **RESOLUTION NO. 2024-R-07** - MRA Cooperative Agreement
- **RESOLUTION NO. 2024-R-08** – Title VI Resolution
- **RESOLUTION NO. 2024-R-09** – ADA Compliance
- **MEDICAL CANNABIS ACTION ITEMS**
- **AWARD BID** – City Building Park Lot Repairs

ATTORNEY’S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR’S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION

ADJOURNMENT

ORDINANCE NO. 2024-O-06

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY TO CHANGE THE DESCRIBED AREA LOCATED AT 5306 MADISON PIKE FROM PUD (PLANNED UNIT DEVELOPMENT), R-CVS (CONVENTIONAL SUBDIVISION), AND R-M (RESIDENTIAL MIXED) TO PUD (PLANNED UNIT DEVELOPMENT)

WHEREAS, Madison Pike Partners, LLC on behalf of ANR Logistics, LLC, Josh Deters, and Arlinghaus Builders, Inc, Property Owners, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A proposed map amendment to change 5306 Madison Pike, 5298 Madison Pike, 5308 Chateau Court, 5306 Chateau Court, and approximately 0.5 acres at the terminus of Chateau Court; a total area of approximately 9.3 acres located on the east side of Madison Pike between Independence Road to the north and Locust Lane to the south, approximately 250 feet south of Independence Road, from PUD (Planned Unit Development), R-CVS (Conventional Subdivision), and R-M (Residential Mixed) to PUD (Planned Unit Development). The applicant is proposing to construct condominiums consisting of 12 buildings with a total of 110 units (approximately 13.43 units per net acre). This includes 45% open space, 72 driveway parking spaces, 72 garage parking spaces and 113 off-street parking spaces; 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 4, 2024, voted to approve the map amendment with conditions, 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 Kenton County Planning Commission, changing the zoning on the map amendment to the Independence Zoning Ordinance changing the described area from PUD (Planned Unit Development), R-CVS (Conventional Subdivision), and R-M (Residential Mixed) to PUD (Planned Unit Development). The applicant is proposing to construct condominiums consisting of 12 buildings with a total of 110 units (13.43 units per net acre). This includes 43.5% open space, 72 driveway parking spaces, 72 garage parking spaces and 113 off-street parking spaces, subject to the applicant agreeing to the following conditions:

1. That the proposed trails be constructed and surfaced with a material that is firm, stable, and slip resistant.

2. That the trail connecting with the north property line be completed prior to zoning permits being issued for the ninth building within the development (ninth building filed, not building number nine).
3. That an amenity be provided within the eastern open space that is readily accessible, available, and usable.
4. That all other conditions provided for in the Additional Information Section of the KCPC Recommendation are followed.

The following is the bases for the map amendment:

1. The proposed map amendment, as conditioned, is generally in agreement with the adopted comprehensive plan. The proposed plan will provide for a variety of new housing within close proximity to existing employment and services. Although the proposed density is above the recommended land use, it is within the scope of the Independence Small Area Study's recommendation that the area consist of higher density residential with designated open space.
2. In order to better comply with the Mobility Element of the comprehensive plan, and to be consistent with the open space requirements of the PUD regulations, it is essential that the trail connecting to the north property line be completed. The destination of this trail is on property that is not owned by the applicant, but by Kenton County. The applicant has received approval from Kenton County.

Also, the submitted development plan does not show any public amenity on the eastern open space. The purpose of the PUD regulations is to provide flexibility while preserving shared open spaces. While connecting a walkway to Chateau Court would be consistent with the Mobility Element, the City Council finds that providing this connection will not be useful given the steep slopes. However, in order to meet the requirements of the PUD regulations, an amenity must be provided within this open space.

3. The submitted Concept Development Plan, as conditioned, meets the minimum requirements of the Independence Zoning Ordinance, except for the following. If approved, sufficient information will be required on the Final Development Plan to show compliance:
 - a. Section 7.06 outlines the fence and wall requirements. The Concept and Final Development Plans must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Ordinance and other pertinent regulations, except where specifically exempted through the provisions of this Ordinance.
 - b. Section 7.07 outlines the landscaping, screening and buffer requirements for the PUD zone. This includes interior site landscaping, perimeter landscaping, parking lot landscaping, buffer yards, site element landscaping and street tree requirements which will need to be outlined within the Final Development Plan.
 - c. Section 10.18., C., establishes Kentucky Business 17 from the intersection of Kentucky 17 on the north to KY 536 on the south as a designated Congestion Mitigation Corridors. This designation requires an access management plan that may uncover additional coordination of access management and circulation design.

- d. Section 13.03., B., 3., states the Concept and Final Development Plans must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Ordinance and other pertinent regulations, except where specifically exempted through the provisions of this Ordinance. Sufficient information is required when the Final Development Plan is submitted to include dimensions, any improvements, construction standards and design standards.
- e. Section 13.03., E., 2., c., that firm, stable, and slip resistant surface paths shall be provided in the following locations:
 - i. Paths connecting sidewalks to active recreation areas, such as playgrounds or frisbee golf;
 - ii. Within prominent open space areas that, because of their location and size within the development, will be a primary amenity for the residents of the PUD;
 - iii. Connections between cul-de-sacs to form continuous pedestrian routes through the development.

4. Based on testimony provided during the public hearing held on April 4, 2024.

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 Rawe, City Clerk

First Reading: May 6, 2024

Second Reading: June 3, 2024

Ayes: _____

Nays: _____

Date of Publication: _____

ORDINANCE NO. 2024-O-07

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTUCKY AMENDING ORDINANCE NO. 2023-O-10 AND THE ANNUAL BUDGET ADOPTED THEREBY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATIONS FOR THE OPERATION OF CITY GOVERNMENT, INCORPORATING LINE ITEMS, AND PROVIDING FOR MODIFICATIONS AND AMENDMENTS THERETO.

WHEREAS, an amending budget proposal and message have been prepared and delivered to the City Council; and

WHEREAS, the City Council has reviewed such amended budget and made necessary modifications.

BE IT ORDAINED BY THE CITY OF INDEPENDENCE AS FOLLOWS:

SECTION I

That the amended annual budget for the fiscal year beginning July 1, 2023 and ending June 30, 2024 is hereby adopted as follows:

SEE ATTACHED "EXHIBIT A"

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

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading: May 6, 2024

Second Reading: June 3, 2024

Ayes: _____

Nays: _____

PUBLICATION DATE: _____

ORDINANCE NO. 2024-O-08

AN ORDINANCE OF THE CITY OF INDEPENDENCE, THEREBY ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025, 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, 2024 and ending June 30, 2025 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, 2024 and ending June 30, 2025 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 Rawe, City Clerk

First Reading: May 6, 2024

Second Reading: June 3, 2024

Ayes: _____

Nays: _____

PUBLICATION DATE: _____

ORDINANCE NO. 2024-O-09

AN ORDINANCE OF THE CITY OF INDEPENDENCE IN KENTON COUNTY, KENTUCKY, AMENDING ORDINANCE NO. 2023-O-11 WHICH ENACTS 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

That the amended 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 Rawe, City Clerk

First Reading May 6, 2024

Second Reading: June 3, 2024

Ayes: _____

Nays: _____

PUBLICATION DATE: _____

City of Independence, Ky.
RESOLUTION NO. 2024-R-07

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, 2024, 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

COMMONWEALTH OF KENTUCKY

INCORPORATED CITY OF INDEPENDENCE

Christopher J. Reinersman, Mayor

I, Gina Rawe, 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 3rd day of June 2024.

Gina Rawe, City Clerk

City of Independence, Ky.
RESOLUTION NO. 2024-R-08

A RESOLUTION APPROVING AND ADOPTING THE NKADD TITLE VI PROGRAM PLAN.

WHEREAS, Title VI of the Civil Rights Act of 1964 is a non-discrimination statute that provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the City of Independence has been awarded financial assistance from the federal and state governments by way of grants and other federal funding; and

WHEREAS, the Northern Kentucky Area Development District ("NKADD") has agreed to create and administer a Title VI Program Plan for itself and other local governmental agencies.

NOW, THEREFORE, be it resolved this the 3rd day of June 2024, by the City of Independence, Kentucky, Kenton County, Kentucky, approves and adopts the NKADD Title VI Program Plan ("Plan"). The Plan is on file at the City of Independence Clerk's Office and is incorporated by reference as if fully rewritten herein.

Done this 3rd day of June 2024 on a Motion made by Council Member _____
and seconded by Council Member _____.

Members present voting in favor: _____
Members present voting against: _____

BY: _____
Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

City of Independence, Ky.
RESOLUTION NO. 2024-R-09

WHEREAS, on July 26th 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law; and

WHEREAS, the ADA is a comprehensive federal civil rights law which prohibits discrimination on the basis of disability in all public spaces, in our streets, on our sidewalks, and in the workplace; and,

WHEREAS, the ADA has improved the livelihood and well-being of countless individuals and communities across our Nation and State and serves as a leading example of the type of progress that is possible when our communities, organizations, and leadership work together toward a common goal of inclusion and compassion; and,

WHEREAS, the ADA has inspired much progress and accommodation for people with disabilities since 1990 and the City is dedicated to growing with inclusivity at the center of its focus; and,

WHEREAS, the City is committed to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities; and,

WHEREAS, the City ensures employees with disabilities who are otherwise qualified may not be discriminated against in any areas of employment including, but not limited to job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the city; and,

WHEREAS, the City ensures employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status; and,

WHEREAS, the City will not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA; and,

WHEREAS, the City will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF INDEPENDENCE, KENTUCKY, KENTON COUNTY, KENTUCKY, ensures the compliance with the American with Disabilities Act.

Done this 3rd day of June 2024 on a Motion made by Council Member _____ and seconded by Council Member _____.

Members present voting in favor: _____

Members present voting against: _____

BY: _____
Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk