



COUNCIL MEETING AGENDA

November 9, 2020

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of October 5, 2020

OLD BUSINESS

- **ORDINANCE NO. 2020-O-09** – Webster Road – lane width change – 2nd Reading
- **ORDINANCE NO. 2020-O-10** – Berling/Glenhurst Annexation – 2nd Reading

NEW BUSINESS

- **RESOLUTION NO. 2020-R-12** – Text Amendment for Pavement Alternative
- **RESOLUTION NO. 2020-R-13** – Spegal Development
- **EXECUTIVE ORDER NO. 2020-EO-08** – Re-Appointment to TBNK

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

- Small Business Grants Discussion

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

ADJOURNMENT

ORDINANCE NO. 2020-O-09

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-O-15 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-O-15 and 2011-O-15.

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

SECTION I

That Ordinance 2004-O-15 and 2011-O-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: November 9, 2020

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2020-O-10

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: November 9, 2020

Ayes: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2020-R-12

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY, AUTHORIZING AND APPROVING THE CITY ADMINISTRATOR TO APPLY FOR A TEXT AMENDMENT TO ALLOW FOR ALTERNATIVE SURFACING TO SECTION 11.1 OF THE INDEPENDENCE ZONING ORDINANCE, RELATED TO DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS

WHEREAS, the City of Independence has specific requirements within the Independence Zoning Code related to pavement of streets;

WHEREAS, the City of Independence is desirous to all alternative surfacing in limited circumstances;

NOW, THEREFORE, be it resolved this the 9th day of November, 2020, by the City of Independence, Kentucky, Kenton County, Kentucky, that the City Administrator shall make the following application for study by the PDS staff and ultimately for approval of the Kenton County Planning Commission: See **ATTACHMENT A**

Done this 9th day of November, 2020 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 Gabbard, City Clerk

RESOLUTION NO. 2020-R-13

A RESOLUTION AGREEING TO MOVE FORWARD WITH THE STATUTORY STEPS REQUIRED FOR AN ANNEXATION AGREEMENT, ZONE CHANGE, DEVELOPMENT AGREEMENT, AND ISSUANCE OF INDUSTRIAL REVENUE BONDS ON PROPERTY LOCATED AT EAST MT. ZION ROAD, KENTON COUNTY KENTUCKY

WHEREAS, the Mayor and City Administrator have been negotiating with VTRE Development, LLC (“Developer”) related to the annexation of 100 acres located at 861 E. Mt. Zion Road, Independence, Kentucky (“Property”); and

WHEREAS, the tentative agreement between the parties is the attached (“Term Sheet”), and the Term Sheet lays out all of the requests of the City, Developer and current property owners.

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

The City shall move forward and take all steps necessary to effectuate the City required steps of the Term Sheet. The passage of this Resolution does not circumvent the legal requirements for Development Agreements, Zone Changes, Annexations, or any other steps required pursuant to the Term Sheet. The Independence City Council and the citizens of Independence shall be afforded all statutory notice related to all issues within the Term Sheet and it is contemplated there will be several additional ordinances and public hearings related to all the issues contemplated by the Term Sheet.

Done this 9th day of November, 2020 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 Gabbard, City Clerk

CITY OF INDEPENDENCE, KY.

EXECUTIVE ORDER NO. 2020-EO-08

**AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF INDEPENDENCE
RE-APPOINTING COUNCIL MEMBER TOM BRINKER
TO THE
TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY**

The City Council of the City of Independence, at a regular meeting on November 9, 2020, approved the Mayoral re-appointment of Council Member Tom Brinker to the Telecommunications Board of Northern Kentucky as established in the Interlocal Cooperation Agreement. Council Member Brinker's will continue to serve during the term beginning on January 1, 2021 and ends on December 31, 2022.

Date Presented to Council: November 9, 2020

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk