

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.



COUNCIL MEETING AGENDA

December 3, 2018
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of November 12, 2018

KLC – JD CHANEY AND SENATOR DAMON THAYER – presenting Friend of Kentucky Cities Award

OLD BUSINESS

- **ORDINANCE NO. 2018-O-16 – Text Amendment - add churches as a conditional use to NSC Zone – 2nd Reading**

NEW BUSINESS

- **EXECUTIVE ORDER NO. 2018-EO-04 – Appointment to OKI Board of Directors**

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

Opening

The City Council of the City of Independence, Kentucky met on Monday, November 12, 2018 at 7:00 p.m. in the Council Chambers of the Independence Municipal Center, 5409 Madison Pike, Independence, Kentucky with Mayor Christopher Reinersman presiding. Mayor Reinersman called the meeting to order and led the Pledge of Allegiance. Council Member Franzen led the invocation. Roll was called and the following Council Members registered present: Bill Aseere, John Deaton, Carol Franzen, Patricia Taney, Amy Engelman and Greg Waite. Also present was City Administrator Chris Moriconi, City Clerk Gina Gabbard, City Attorney Jack Gatlin and Finance Director Terri Hudson.

Approval of the October 1, 2018 Meeting Minutes

Mayor Reinersman asked Council if there were any changes or corrections they would like made to the Council Minutes for the council meeting held on October 1, 2018.

Mayor Reinersman called for a motion to approve the meeting minutes for the council meeting held on October 1, 2018. Council Member Waite so moved, with a second by Council Member Franzen. Motion carried with all ayes.

Proclamation- Key Lock Box

Mayor Reinersman stated rather than doing an ordinance for fire lock boxes, council agreed to a proclamation to show their support for businesses to install key lock boxes. Mayor Reinersman read the proclamation.

Ordinance No. 2018-O-15 – Noise Ordinance – 2nd Reading

Mayor Reinersman presented Ordinance No. 2018-O-15 which specifies times when noise levels are monitored and the police can enforce the law when it becomes a nuisance. Mr. Gatlin explained there was an error with the printed ordinance and section 4, which lists exemptions, wasn't correct per council's recommendations at the previous council meeting. Mr. Gatlin reviewed the changes to the exemptions and stated the official ordinance will have the changes as discussed. Mr. Gatlin gave Ordinance No. 2018-O-15 a second reading and noted the changes to section 4.

Council Member Deaton asked if there was a warning period for the noise ordinance. Mayor Reinersman stated it would be at the officer's discretion to issue a warning or citation. Police Chief Lucas stated the police department attempts to warn citizens with the first offense. Council Member Aseere stated his concern with the penalty section of the ordinance. Mr. Gatlin explained the penalty section is written in virtually every city ordinance.

Council Member Deaton made a motion to table Ordinance No. 2018-O-15. Council Member Taney seconded. Roll was called and Council Members Deaton and Taney were in favor. Council Members Waite, Franzen, Aseere, and Engelman were not in favor. Motion failed, 2-4.

Council Member Aseere suggested changing the verbiage of the penalty section to be more defined. Chief Lucas stated he would be able to track repeat offenders in the system and they have 30 days from a citation to pay it or go to court. Mr. Gatlin stated the district judge will assign a dollar amount per citation, not the officer.

Council Member Franzen made a motion to approve Ordinance No. 2018-O-15 with a second by Council Member Waite. Roll was called. Council Members Franzen, Waite, Engelman, and Aseere were in favor. Council Members Taney and Deaton were not in favor. Motion carried, 4-2.

Terry Donoghue, 10633 Brent Ridge Circle, Independence, KY. Mr. Donoghue asked the Mayor if the amphitheater in Memorial Park was available to rent. Mayor Reinersman stated that it is not available because it causes amplified sound which could have a large impact on the park as a whole.

Proposed Ordinance – Text Amendment to add churches as a conditional use to the NSC Zone – 1st Reading

Mayor Reinersman presented a proposed ordinance which is a text amendment to add churches to the NSC (Neighborhood Shopping Center) zone. He stated Grace Fellowship Church is looking at moving into the Independence Town Center where the old Kroger was located. He stated churches aren't currently allowed within the NSC zone so a text amendment is necessary to add them as a conditional use. Mr. Gatlin gave the proposed ordinance a first reading.

Municipal Order No. 2018-MO-03 - Investment Policy

Mayor Reinersman presented Municipal Order No. 2018-MO-03 which defines the investment policy for the city. Chris Moriconi stated having an investment policy is a best practice and the city is currently following the policy. Finance Director, Terri Hudson, stated she drafted the policy and referenced the state statute as well as other cities' policies to create the policy for the city. Mr. Gatlin read Municipal Order No. 2018-MO-03.

Council Member Aseere made a motion to approve Municipal Order No. 2018-MO-03 with a second by Council Member Engelman. Roll was called and the votes were unanimous. Motion carried, 6-0.

Attorney's Report – Jack Gatlin

Mr. Gatlin updated council on the legal battle regarding the feuding heirs in regards to the Madison Pike sidewalk easement. He stated the city will proceed next week with obtaining a temporary easement for the sidewalk project. Mr. Moriconi stated the project will be sent out for bids this winter.

City Administrator Report – Chris Moriconi

Mr. Moriconi thanked Council Member Deaton for his generous donation of 14 oak trees to plant around the basketball courts at Memorial Park. He also thanked Barry Mallot who donated the mulch for the landscaping. Mr. Moriconi recognized Parks and Recreation Facilitator Nita Brake for receiving an award for the outstanding contribution to the leisure profession from the Kentucky Receptions Parks Society.

Mayor's Report – Christopher J. Reinersman

Mayor Reinersman stated the city was under budget over one million dollars from the previous fiscal year. He stated the fifth annual American Legion Ball was a hit with approximately 150 attendees. Mayor Reinersman thanked the event sponsors including Holland Restaurant Group, Peter Family Dentistry and Arronco Heating and Air. He explained the city Christmas Walk will be Saturday, December 1st and thanked Council Member Waite for taking on the role of czar again this year.

Adjournment

There being no further business, a motion was made by Council Member Engelman and seconded by Council Member Franzen to adjourn. Motion carried with all ayes and the meeting ended at 8:13 p.m.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

ORDINANCE NO. 2018-O-16

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING CHURCHES AS A CONDITIONAL USE TO THE NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE.

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 to the NSC Zone, Section 10.15(C) to add as a conditional use, "Churches"; and

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 October 4, 2018, 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, "Churches" as a conditional use to the NSC Zone, Section 10.15(C), on the following bases:

- (1) The proposed text amendment is authorized within KRS 100.203.
- (2) The intent of the NSC Zone is to provide a wide range of neighborhood-oriented retail and service uses. Adding churches as a conditional use will allow a use that will serve the neighborhoods surrounding the areas zoned NSC.
- (3) The proposed text amendment is reasonable and appropriate. The NSC Zone currently allows community centers and nursery schools as conditional uses. Churches are similar in size, scale, and scope to other conditional uses in the NSC Zone.
- (4) The proposed text amendment is consistent with previous recommendations made by PDS staff and the KCPC.
- (5) The proposed text amendment will not have an adverse effect on the public, health, safety, or welfare and will not be injurious to the public residing in or moving through the area.

(6) Based on the testimony provided during the public hearing held on October 4, 2018.

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: November 12, 2018

Second Reading: December 3, 2018

Ayes: _____

Nays: _____

Publication Date: _____

City of Independence, Kentucky

EXECUTIVE ORDER NO. 2018-EO-04

**AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF INDEPENDENCE RE-APPOINTING
CHRISTOPHER J. REINERSMAN TO THE
OKI BOARD OF DIRECTORS**

By the authority vested in me as Mayor of the City of Independence, I do hereby appoint Christopher J. Reinersman to the OKI Board of Directors.

Date Presented to Council: December 3, 2018

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk