



**CITY OF INDEPENDENCE**  
**COUNCIL MEETING AGENDA**  
**February 5, 2024**  
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 January 8, 2024

**OLD BUSINESS**

- **ORDINANCE NO. 2024-O-01** - Amending the Adopted Residential Building Code – 2<sup>nd</sup> Reading

**NEW BUSINESS**

- **PROPOSED ORDINANCE** – Text Amendment for Flatbed Trailer Parking – 1<sup>st</sup> Reading
- **PROPOSED ORDINANCE** – Establishing Safety Measures to Open Burning – 1<sup>st</sup> Reading
- **RESOLUTION NO. 2024-R-02** – Matching Federal 536 Raise Grant for KY536
- **RESOLUTION NO. 2024-R-03** – Interlocal Agreement for Housing Choice Voucher Program
- **RESOLUTION NO. 2024-R-04** – Adopting the Joinder Agreement with KY Deferred Compensation

**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. 2024-O-01**

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE'S CODE OF ORDINANCES RELATED TO SECTION 150.01 AMENDING THE ADOPTED RESIDENTIAL BUILDING CODE**

**WHEREAS**, The City of Independence needs to update the applicable Kentucky Building Code; and

**WHEREAS**, this Ordinance is being adopted to Amend Chapter 150.01 as described below; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Independence, Commonwealth of Kentucky:

(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))

**SECTION I**

**§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.**

(A) The [2013] 2018 Kentucky Building Code, as promulgated in [815 KAR 7:105] 815 KAR 7:125 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; and the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes together with a copy of all other regulations or N.F.P.A. pamphlets adopted or referred to thereunder, and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours. The Building Inspector shall be designated as the local enforcement agent for the Kentucky Building Code. All inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction.

(B) The city does hereby adopt the [2013] 2018 Kentucky Residential Code to apply to all one- and two-family dwellings, and townhouses, located in the city, which are fabricated, erected, constructed, enlarged, altered, and or repaired within the jurisdiction; together with such appurtenances and accessory structures. The Code further provides for the issuance of permits and provides for penalties for the violation of any provision of this code.

(C) Each of the codes, including all penalty provisions thereof and including any amendments thereto, shall be in force throughout the city.

(D) The City of Independence hereby adopts any subsequent editions of the Kentucky Building Code (International Building Code with Kentucky Supplement) and the Kentucky Residential Code (International Residential Code with Kentucky Supplement). Any subsequent editions of the Kentucky Building Code or the Kentucky Residential Code shall supersede the prior code. The new code shall be adopted in full as an ordinance of the city as if set out at length herein.

~~(D)~~ (E) Pursuant to the provisions of KRS 198B.010(5), KRS Chapter 198B and the Kentucky Building Code as adopted in division (A) above are hereby extended to cover single-family dwellings which may hereafter be constructed within the city.  
Penalty, see § 150.99

**SECTION II**

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

**SECTION III**

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

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

ATTEST:

\_\_\_\_\_  
Gina Rawe, City Clerk

First Reading: January 8, 2024

Second Reading: February 5, 2024

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

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

Date of Publication: \_\_\_\_\_

**ORDINANCE NO. 2024-O-**

**AN ORDINANCE AMENDING THE TEXT OF THE INDEPENDENCE ZONING CODE MODIFYING SECTION 10.13 TO ALLOW FOR THE PARKING OF FLATBEAD UTILITY TRAILERS PERMANENTLY IN SIDE AND FRONT YARDS AND ADDING NEW TIMEFRAMES FOR THE TEMPORARY PARKING OF VEHICLES**

**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 text amendments to the Independence Zoning Ordinance, which includes (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity; and

**WHEREAS**, the Kenton County Planning Commission after holding a public hearing on January 4, 2024, did not recommend the proposed text amendment, as authorized by Kentucky Revised Statute (KRS) 100.203(1);

**WHEREAS**, Kentucky Revised Statute (KRS) 100.211 states that it shall take an affirmative vote of a majority of the legislative body to adopt the proposed amendment.

**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, modifying Section 10.13 for the following reasons:

1. The proposed text amendments are authorized to be included within the text of the Independence Zoning Ordinance per KRS 100.203 (1) (See Attachment A).
2. The proposed text amendments, are appropriate.

**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: February 5, 2024

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

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

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

Date of Publication: \_\_\_\_\_

City of Independence, Ky.  
**ORDINANCE NO. 2024-O-**

**AN ORDINANCE ESTABLISHING SAFETY MEASURES AND REGULATIONS RELATED TO OPEN BURNING AND RECREATIONAL FIRES**

**WHEREAS**, The City of Independence desires to establish greater regulations related to open burning; and

**WHEREAS**, the City of Independence worked closely with the Independence Fire District; and

**WHEREAS**, the City of Independence will abide by any Kenton County executive order regarding the burn ban period; and

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

*(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))*

**SECTION I**

**DEFINITIONS**

For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **APPLICABLE LAWS**. The statutes, ordinances, rules, regulations, and orders of all governmental agencies having jurisdiction of the subject matter thereof.
- (2) **DEVELOPED LAND**. Land which has been developed by the extension of streets and utilities thereto, with completed improvements thereon for occupancy by human beings, and a certificate of occupancy issued, therefore.
- (3) **INDEPENDENCE FIRE DISTRICT (IFD)**. Any representative of Independence Fire/EMS or the entity itself.
- (4) **INDEPENDENCE POLICE DEPARTMENT (IPD)**. Any representative of Independence Police department of the entity itself.
- (5) **INDEPENDENCE FIRE/EMS CHIEF**. The Chief of the Independence Fire/EMS Department or any designee thereof.
- (6) **NO PERSON**. No human being, or any combination thereof in the form of a corporation, partnership, limited liability company, unincorporated association or otherwise.
- (7) **OPEN BURNING**. Any fire created for purposes other than recreational fire. Must be less than fifteen feet (15) high and thirty (30) feet in diameter for open burning on undeveloped land unless permission is given by IFD stating otherwise.
- (8) **PRIVATE PROPERTY**. The ownership of property by non-governmental legal entities.

(9) UNDEVELOPED LAND. Land which has not been developed by the extension of streets and utilities thereto, and completed improvements constructed thereon for occupancy by human beings, with certificates of occupancy.

(10) RECREATIONAL FIRE. Any fire designed for recreational purposes which is no larger than three feet high and three feet in diameter for open burning on private property.

## **RESTRICTIONS ON OPEN BURNING**

Any orders by the Kenton County Fiscal Court or County Judge Executive related to Open Burning shall be applicable within the City of Independence. Further, there shall be no Open Burning from May 1 to September 30 each year. From October 1 to December 15 and from February 15 to April 30, burning within 150 feet of any woodland area is allowed only between 6 PM and 6 AM. At all times, only natural growth such as trees and tree limbs may be burned in open fires. At no time shall it be lawful to burn tires, garbage, construction and/or renovation debris (including scrap lumber), demolition debris, appliances, cars, and trailers.

## **OPEN BURNING**

Open burning is prohibited without the permission of the IFD on undeveloped land. No person, firm or corporation shall build any outdoor fire within the city limits for the purpose of open burning including land clearing without permission of the IFD. Open burning for land clearing purposes associated with residential, commercial, or industrial development shall be limited to a maximum of two (2) contiguous acres at any one (1) time.

When open burning on undeveloped land all the following must be done throughout the duration of any open burning on undeveloped land.

- (a) The continued attendance at the proposed open burning of a competent human being, no less than eighteen (18) years of age, throughout the duration thereof; and
- (b) A communication device should be readily available to the fire attendee to communicate with emergency services, Fire/EMS and police should they be needed.
- (c) One piece of earth moving equipment, with the capacity to extinguish the open burning fire by covering it with dirt; and a qualified operator thereof.
- (d) A policy or certificate of insurance through which the applicant is insured against liability from any occurrence related to the proposed open burning must be obtained and provided to IFD or IPD upon request.
- (e) Burn piles must have a maximum diameter of thirty (30) feet. The fire may not extend more than fifteen (15) feet in height.
- (f) Burn piles must have a blower on the fire.
- (g) No open burns shall be within twenty-five (25) feet of any combustible materials or structures unless contained in an approved manner. Open burns must be at least

fifty (50) feet from neighboring houses and make efforts to minimize smoke and ash from affecting surrounding homes.

The following burns do not require permission of the IFD:

- (a) A fire primarily for the cooking of food for non-commercial purposes, provided that only untreated wood is used as fuel.
- (b) A fire for the purposes of instruction and training in the methods of fighting fires conducted in accordance with safety standards and procedures as accepted by the Kentucky Fire Commission.
- (c) A fire for construction and other workers for comfort heating purposes when daytime temperatures are below 40°F, provided that excessive or unusual smoke is not created; only untreated wood is used as fuel; the fire is contained in a metal vessel that does not exceed the size of a 55-gallon drum; and the fire is not left unattended for more than fifteen (15) minutes while workers are present at the job site. Fires must be extinguished whenever workers leave the job site.
- (d) A fire for weed abatement, disease control, pest prevention, or for other recognized management practices.
- (e) A fire for the control of a public health hazard, provided that no other safe means of disposal are available.
- (f) A fire for the control or prevention of a fire or safety hazard, provided that no safe alternative is available.
- (g) A special-case fire not otherwise addressed and approved by the IFD.

## RECREATIONAL

Recreational fires are allowed in a permanent fire pit or a portable fire pit. Burn permits are not required for recreational fires. No recreational fire shall be closer than ten feet from any building, shed, garage, fence, combustible materials. The location shall be no closer than ten feet from many adjoining properties line.

- (1) Fire pits.
  - (a) Any permanent fire pit built directly on the ground must have a maximum diameter of three (3) feet. The fire may not extend more than three feet (3) above the fire pit. The fire pit shall be surrounded on the outside, above ground, by non-combustible material such as, but not limited to, concrete blocks, bricks, or rocks.
  - (b) Portable fire pits are defined as devices commercially designed to control outdoor wood fires and may be used in accordance with the manufacturer's recommendations.



- (2) No multi-purpose dwellings shall be allowed to use any form of portable or permanent fire source including fire pit, fireplaces, heating elements or any other form of open flame on any balcony or under any overhanging portion of that dwelling or within ten (10) feet of any structure adjacent to the dwelling.
- (3) Materials for recreational fires shall consist of clean dry/seasoned wood that is unpainted and untreated. Material shall not include rubbish, garbage, trash, leaves, brush or garden waste or any material coated with rubber, plastic, leather, or petroleum-based materials and may not contain any flammable or combustible liquids. The fuel used to light any materials on fire shall not be flammable liquids such as gasoline, so that it minimizes the creation and emission of air contaminants from the burning process.
- (4) Attendance.
  - (a) The continued attendance at the recreational burning of a competent human being, no less than 18 years of age, throughout the duration thereof.
  - (b) A communication device should be readily available to the fire attendee to communicate with emergency services, Fire/EMS and police should they be needed.
  - (c) Proper extinguishing agents should be readily available I.E., a water hose connected to an operable public water supply or well, fire extinguisher or other acceptable means of extinguishing a fire.
- (5) Complaints received by the IFD or IPD regarding smoke, ash or noxious odors infringing on adjacent properties will require that such fires be immediately extinguished. No recreational or open burn fires shall be started and allowed to burn when the wind directed, or wind speed will cause embers or other burning material to be carried onto any building or combustible material.

## **LIABILITY**

Neither the IFD, IPD, the city or any other officer, agent or employee thereof shall have any liability, responsibility or obligation for any open burning permitted by this or any other city ordinance, or any injuries or damages resulting therefrom.

## **PENALTY**

Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be guilty of a violation and shall be fined not more than one hundred dollars (\$100).

In addition to the foregoing penalties, any person who fails to maintain a fire in accordance with the applicable city ordinances or negligently allows such a fire to burn out of control shall pay all costs incurred by the city or any other municipality responding under mutual-aid for any fire, police, ambulance, or other related service provided because of the party's failure to comply with said ordinance. All applicable laws will also be enforced which will subject the violator to any applicable fines and jail time associated with violation.

**SECTION II**

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

**SECTION III**

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

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

ATTEST:

\_\_\_\_\_  
Gina Rawe, City Clerk

First Reading: February 5, 2024

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

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

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

Date of Publication: \_\_\_\_\_

City of Independence, Ky.

**RESOLUTION NO. 2024-R-02**

**A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY, TO AUTHORIZE THE MAYOR TO PROVIDE A LETTER OFFERING FINANCIAL SUPPORT FROM THE CITY OF INDEPENDENCE AS PART OF THE KENTON COUNTY FISCAL COURT'S APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FOR MATCHING FEDERAL 536 RAISE GRANT FUNDS FOR THE WIDENING AND REALIGNMENT OF KY536 FROM CALVARY DR TO KY 17**

**WHEREAS**, KY 536 between the points of Calvary Drive and KY 17 is an approximately 2 mile section of road that links unincorporated Kenton County and the City of Independence to I-75 in Florence, and;

**WHEREAS**, this section provides the logical extension of the KY 536 interchange project being constructed to the western terminus of the proposed project and will complete a roadway and multi-use path connection between US 42 in Boone County and KY 17 in the City of Independence, and;

**WHEREAS**, the proposed realignment and widening of this section of KY 536, in addition to providing more convenient and safe access to residents, represents a significant economic development opportunity for the City of Independence, and;

**WHEREAS**, the City of Independence commits to appropriate up to \$50,000, over a 3-5 year period after grant acceptance for said match, and;

**NOW, THEREFORE**, be it resolved on the 5<sup>th</sup> day of February 2024, by the City of Independence, Kentucky, Kenton County, Kentucky.

The City of Independence does hereby commit to authorize the mayor to provide a letter offering financial support from the City of Independence as part of the Kenton County Fiscal Court's application to the United States Department of Transportation for matching federal 536 RAISE Grant funds, and shall commit over a 3-5 year to provide a local match of \$50,000 for the KY 536 Widening and Realignment Project.

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

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

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

ATTEST:

\_\_\_\_\_  
Gina Rawe, City Clerk

City of Independence, Ky.

**RESOLUTION NO. 2024-R-03**

**A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY, TO AUTHORIZE THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF INDEPENDENCE AND THE HOUSING AUTHORITY OF COVINGTON RELATED TO THE HOUSING CHOICE VOUCHER PROGRAM**

**WHEREAS**, the City of Covington, Kentucky (“**Covington**”) administered the United States Department of Housing and Urban Development (“**HUD**”) Housing Choice Voucher Program (“**HCV Program**”)(previously known as a Section 8 Housing Program) in the City; and effective July 1, 2024 Covington has assigned all of its HCV Program certificates and operations to HAC for the purpose of consolidating the operations in a one stop location and will no longer provide HCV Program administrative services; and

**WHEREAS**, in lieu of the City of Covington terminating the existing operations of the HCV Program with the City, the City and HAC wish to acknowledge the termination of the City of Covington’s obligations to operate the HCV Program and to enter into this Agreement for the purpose of permitting HAC to operate the HCV Program in the City; and

**WHEREAS**, the City wishes to continue to offer HCV Program housing in the City and HAC wishes to administer the HCV Program within the City; and

**WHEREAS**, the City and HAC wish to enter this Agreement to grant HAC the authority to operate the HCV Program within the jurisdictional limits of City; and

**WHEREAS**, the City has the authority pursuant to KRS 80.270 and 80.290 to enter into an interlocal agreement with HAC; and

**WHEREAS**, HAC has authority to enter into arrangements to partner with the City in the provision of affordable housing pursuant to KRS 80.180; and

**NOW, THEREFORE**, be it resolved this the 5<sup>th</sup> day of February 2024, by the City of Independence, Kentucky, Kenton County, Kentucky.

That the Mayor is authorized to sign the above mentioned interlocal agreement as well as any other necessary documents relating to the Housing Choice Voucher Program.

Done this 5<sup>th</sup> day of February 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-04**

**WHEREAS**, the General Assembly of the Commonwealth of Kentucky has enacted Sections 18A.230-18A.275 of the Kentucky Revised Statutes authorizing the creation of the Kentucky Public Employees' Deferred Compensation Authority Board of Trustees and the establishment of the Kentucky Public Employees' Deferred Compensation Authority (KDC); and

**WHEREAS**, the Commonwealth by KDC sponsors the Kentucky Employees' 457 Deferred Compensation Plan and the Kentucky Public Employees' 401(k) Deferred Compensation Plan which includes KDC's Deemed IRA Program (the Plans) for adoption by local governmental political subdivisions and units; and

**WHEREAS**, Governmental Unit wishes to adopt and enter that certain Joinder Agreement attached hereto, dated February 5, 2024.

**NOW THEREFORE**, be it resolved that the City of Independence, Commonwealth of Kentucky, hereby enters and adopts the Joinder Agreement with KDC for participation in the 457 Plan and the 401(k) Plan for the benefit of its eligible employees; and,

FURTHER RESOLVED, that Mayor Christopher J. Reinersman be, and hereby is authorized and directed by Governmental Unit to execute the Joinder Agreement with KDC, which authorizes KDC to administer the Plans on behalf of Governmental Unit, and to do all further acts and things, and to execute all further documents in writing, which the authorized signatory determines to be necessary or desirable in order to affect this Resolution.

Done this 5<sup>th</sup> day of February 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