

**THE CITY COUNCIL MEETING AGENDA
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REMOVAL UP TO MEETING TIME.**



COUNCIL MEETING AGENDA

March 2, 2020

Independence Municipal Center
Council Chambers

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of February 3, 2020

OLD BUSINESS

NEW BUSINESS

- **PROPOSED ORDINANCE** - Text amendment to the NSC Zone
- **RESOLUTION NO. 2020-R-05** – CERS Freeze
- **DECLARE SURPLUS PROPERTY**

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. 2020-O-

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE ADDING SELF-STORAGE FACILITIES AS A CONDITIONAL USE WITHIN THE NSC ZONE, ALONG WITH LOCATION RESTRICTIONS AND USE STANDARDS THAT REGULATE HOW EACH STORAGE UNIT IS ACCESSED.

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, to add self-storage facilities as a conditional use within the NSC Zone, along with location restrictions and use standards that regulate how each storage unit is accessed ; 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 February 6, 2020, 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" and incorporated reference herein, to add self-storage facilities as a conditional use within the NSC Zone, along with location restrictions and use standards that regulate how each storage unit is accessed , on the following bases:

1. The proposed text amendment is authorized to be included within the City's zoning ordinance per Kentucky Revised Statutes (KRS) 100.203 (1) (see Attachment A).
2. The proposed text amendment is inconsistent with the intent of the NSC Zone. However, the use is already a conditional use within the NSC Zone. Therefore, the addition of regulations will limit the proliferation of these uses in a zone primarily intended to provide retail goods and services.
3. 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, for the reason stated above.
4. Based on testimony provided during the public hearing held on February 6, 2020.

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: March 2, 2020

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2020-R-05

A RESOLUTION PETITIONING THE GOVERNOR AND GENERAL ASSEMBLY FOR RELIEF FROM THE INCREASES IN ACTUARIALLY REQUIRED PENSION CONTRIBUTIONS

WHEREAS, The recent unwarranted increases in CERS pension contributions implemented by the KRS Board are forcing cities to make the choice between future growth, public services and the increased pension contributions; and

WHEREAS, the projected growth in CERS pension contributions will consume fully 17.5% of the City of Independence's major revenue sources by 2025; and

WHEREAS, such a massive increase in employer contributions in an environment of relatively static revenue will lead only to reduction of capital investment and maintenance, and/or significant lay-offs of public service personnel, particularly police officers, and

WHEREAS, in addition to the financial demands of the Kentucky Retirement System, the management of the system, as exemplified by the manner and timing of the recent survivorship benefit changes, was oblivious and insensitive to the clearly foreseeable results of their decisions, causing severe damage to cities. The survivorship benefit changes caused a stampede to retirement and cities, including Independence, lost organizational leadership and irreplaceable institutional knowledge. This action further cost the retirement system untold millions in benefit payments before their time; and

WHEREAS, executive director of the Kentucky Retirement Systems, said it was his fiduciary duty to get as much money for the retirement system as soon as possible, even if the rapidly increasing employer contribution rates are creating a "death spiral" for the pension systems; and

WHEREAS, the concept of fiduciary duty should not be followed so blindly as to lead to the death of the patient; and when the death of the patient is so obviously foreseeable, the treatment methodology absolutely and immediately should be changed; and

WHEREAS, former Governor Bevin's long concealed actuarial analysis showed that his proposed pension changes actually would have slowed the financial rebound of Kentucky's most troubled pension system and cost the state more in the long run, raising significant questions as to the validity of many of the former governor's assertions in his efforts to drive pension changes; and

WHEREAS, the true conflict in fiduciary duty rests within KRS itself: the systems the KRS board must manage are in such disparate financial conditions that it is impossible for the trustees to balance their fiduciary duties appropriately. Their efforts to enhance KERS have come at the expense of CERS as the board has combined investment management of both systems assets to save KERS money. The Board's investment allocation decisions might be appropriate for KERS but they have damaged CERS significantly – witness the abysmal returns (a little above 5%) when compared to other public pension plans across the country and the overall returns in the market; and

WHEREAS, actuarial assumptions should be based on the actual experience of the fund, calling for independent leadership and assumptions based solely on CERS' actual experience; and

WHEREAS, Kentucky's local governments support and want to continue the pension program and the changes adopted through 2013 SB 2 have in fact been working for Kentucky's cities and counties.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY AS FOLLOWS:

SECTION I

That the Board of Commissioners hereby petitions the Governor and General Assembly:

1. To place a freeze on increases in the actuarially required contribution to CERS;
2. To direct the KRS board to conduct an independent experience study to the CERS system so that the assumptions, rates and goals of CERS can be reset based on a transparent, unbiased factual analysis; and
3. To direct that the investment strategies for CERS funds be based solely on CERS circumstances, and not be subject to the restrictions and limitations applicable to KERS;
4. After patient, well-considered further study, determine the future path forward for the soundness of the CERS pension system within reasonable fiscal capabilities of Kentucky's local governments.

SECTION II

The City Council hereby directs the City Clerk to send a copy of this resolution to members of the Northern Kentucky Legislative Caucus and the leadership of the other cities in Northern Kentucky.

Passed by Council at the Council Meeting held on March 2, 2020.

Members present voting in favor: _____

Members present voting against: _____

BY: _____
Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk

MARCH 2, 2020

VEHICLES FOR SURPLUS

2009 GMC Truck VIN# 1GDE5C3909F406529

Vehicle will be listed for sale on www.GovDeals.com.