

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, December 15, 2015 6:00 P.M.
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A **REGULAR MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran, on Tuesday, December 15, 2015, at 6:00 p.m., in Commission Chambers, 20 West Pike Street, Covington, Kentucky.

Mayor Carran presiding with Commissioners Chuck Eilerman, Steve Frank, Jordan Huizenga, Bill Wells, City Manager Larry Klein, and Assistant City Manager/City Solicitor Frank Warnock, present.

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga to dispense with the reading of and approve the minutes of the November 10, 2015, and November 17, 2015, meetings.

Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PRESENTATIONS

- Frank Warnock, City Solicitor/Assistant City Manager presented “2015 Year in Review” showcasing the City’s accomplishments for the year.

NEW BUSINESS – FIRST READING OF ORDINANCES

BUS ROUTE – The language in Chapter 76, Schedule IV, as it is currently written, prohibits schools buses on routes that are used daily. This ordinance will update the language.

COMMISSIONERS' ORDINANCE NO. O-XX-16 ENTITLED:

AN ORDINANCE AMENDING CHAPTER 76 TRAFFIC SCHEDULES, SCHEDULE IV BUS ROUTES OF THE COVINGTON CODE OF ORDINANCES TO EXPRESSLY PERMIT SCHOOL BUSES TO OPERATE UPON CITY STREETS AND ROADWAYS THAT ARE NOT LISTED WITHIN SCHEDULE IV.

First Reading, No Vote

OLD BUSINESS – SECOND READING OF ORDINANCES

BUS ROUTE – The Transit Authority of Northern Kentucky (TANK) is planning a minor route change on Bus Route #25 in Latonia. The route currently detours between Kentucky Route 16 and Eastern Avenue via Wallace Avenue, West 20th Street, and Madison Avenue. Beginning in November 2015, TANK rerouted the No. 25 buses through Eastern Avenue from the intersection with James Avenue. This rerouting makes the trip more direct and save 3 to 4 minutes of travel time on every trip, currently about 50 trips per day. This is one of the TANK 2013 Service Plan Recommendations. The segment of Madison Avenue between James Avenue and West 20th Street is served by three other TANK routes while Eastern Avenue between James Avenue and Wallace Avenue doesn't have any service at all.

COMMISSIONERS' ORDINANCE NO. O-49-15

AN ORDINANCE AMENDING CHAPTER 76 TRAFFIC SCHEDULES, SCHEDULE IV BUS ROUTES OF THE COVINGTON CODE OF ORDINANCES TO INCLUDE EASTERN AVENUE FROM JAMES AVENUE TO WALLACE AVENUE.

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

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FISCAL STABILITY – This Ordinance will approve and adopt a Fiscal Stability plan for the establishment, maintenance, and use of certain fund balances within the City's General and other Funds, and provide for a formal policy in the development of the City's annual budget.

COMMISSIONERS' ORDINANCE NO. O-50-15

AN ORDINANCE RELATING TO ENHANCING FISCAL STABILITY TO ENACT A FORMAL POLICY FOR THE ESTABLISHMENT, MAINTENANCE AND USE OF CERTAIN FUND BALANCES WITHIN THE CITY'S GENERAL FUND AND OTHER FUNDS.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

NEW BUSINESS – ORDER/RESOLUTIONS

EMPLOYMENT – Ms. Skop is a graduate of Xavier University with a Bachelor's degree in Political Science and a graduate of the University of Kentucky with a Masters' degree in Public Administration. She has over two years of experience working for the Performance Audit Division of the State of Georgia Department of Audits and Accounts. She currently lives in Atlanta and will be relocating to the Greater Cincinnati region.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-394-15

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF JENNA SKOP AS INTERNAL AUDITOR, EFFECTIVE JANUARY 27, 2016.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

ACCEPT BID – Three companies responded to the City's request for bids for annual generator maintenance services, to include load testing, for the generators at the Police Department and Fire Department (Company 1).

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-395-15

AN ORDER/RESOLUTION ACCEPTING THE BID OF BUCKEYE POWER AND REJECTING ALL OTHER BIDS, FOR GENERATOR MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$2,492.00 PER YEAR FOR A PERIOD OF THREE (3) YEARS, PAYABLE FROM THE GENERAL FUND.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

ACCEPT BID – The Police Department is upgrading its compliment of Tasers. The present Tasers need to be replaced as technology has advanced. This purchase will equip the P9olice Department patrol officers with necessary, more reliable and up-to-date equipment.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-396-15

AN ORDER/RESOLUTION ACCEPTING THE BID OF TASER INTERNATIONAL FOR THE PURCHASE OF 95 TASER X26P UNITS

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AND RELATED ACCESSORIES, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH TASER INTERNATIONAL IN AN AMOUNT NOT TO EXCEED \$89,810.42, TO BE PAID WITH \$30,000.00 FROM A PRIVATE DONOR, \$30,000.00 FROM THE POLICE DEPARTMENT ASSET FORFEITURE FUND, AND \$28,810.42 FROM THE GENERAL FUND.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

EMPLOYMENT – Ms. Schuler is a graduate of Scott High School and is currently a student at Northern Kentucky University. She has also participated in the Taylor Mill Police Explorers' program.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-397-15

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF TIFFANY SCHULER AS A CADET IN THE COVINGTON POLICE DEPARTMENT, EFFECTIVE DECEMBER 21, 2015.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

SURPLUS PROPERTY – The Police Department has identified many pieces of electronic equipment and desktop printers that are no longer serviceable.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-398-15

AN ORDER/RESOLUTION DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE AND DISPOSITION PURSUANT TO KRS §§ 82.083 AND 45A.425 WITH ANY PROCEEDS FROM THE SALE BEING DEPOSITED IN THE GENERAL FUND.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

CHANGE IN PAY STATUS – There are currently three positions available within the paramedic ranks. A change in pay status for these two firefighters would increase the number of paramedics to 29.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-399-15

AN ORDER/RESOLUTION APPROVING A CHANGE IN PAY STATUS FOR WILL STEVIE AND KEVIN VOGELPOHL FROM GRADE 1 FIREFIGHTER TO GRADE 1 PARAMEDIC/FIREFIGHTER, EFFECTIVE DECEMBER 20, 2015.

MOTION of Commissioner Wells, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PROMOTION – With the addition of a Captain's position and the recent promotions, an Engineer's position is now available. Mr. Finan is at the top of the Engineer's promotional list.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-400-15

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF JOE FINAN FROM FIREFIGHTER/EMT TO ENGINEER/EMT IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE DECEMBER 31, 2015.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PROMOTION – With the addition of a Captain's position and the recent promotions, a Lieutenant position is now available. Mr. Davis is at the top of the Lieutenant's promotional list.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-401-15

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF MIKE DAVIS FROM ENGINEER/EMT TO LIEUTENANT/EMT IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE DECEMBER 31, 2015.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PROMOTION – An additional Captain position has been recreated with the amendment of O-30-12. Mr. Lee is at the top of the promotional list and he is well qualified and capable of performing the duties of Captain.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-402-15

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF MIKE LEE FROM LIEUTENANT/EMT TO CAPTAIN/EMT IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE DECEMBER 31, 2015.

MOTION of Commissioner Wells, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

SUBORDINATION REQUESTS – This O/R reflects the reorganization in the Department of Development and will allow other personnel the authority to execute subordination documents.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-403-15

AN ORDER/RESOLUTION AMENDING COMMISSIONERS' ORDER/RESOLUTION NO. O/R-32-13 TO GRANT THE AUTHORITY TO APPROVE SUBORDINATION REQUESTS OF CITY MORTGAGES TO THE FOLLOWING POSITIONS: CITY SOLICITOR, ASSISTANT CITY SOLICITOR, COMMUNITY DEVELOPMENT MANAGER, AND ASSISTANT CITY MANAGER.

MOTION of Commissioner Huizenga, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PARKING AGREEMENT – Madison Avenue Holdings, LLC are responsible for the attraction of several potentially high-impact businesses to the City and this parking incentive would only help them in attracting more businesses to their building.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-404-15

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A PARKING AGREEMENT WITH MADISON AVENUE HOLDINGS, LLC FOR TWELVE (12) SPACES IN THE CITY-OWNED PARKING LOT LOCATED AT 22-26 EAST 9th STREET AT A COST OF \$11.25 PER SPACE PER MONTH FOR A TERM OF THREE (3) YEARS.

MOTION of Commissioner Wells, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

LICENSE AGREEMENT – As part of the Hotel Covington construction project, there is a need to connect private utilities to the public mains. Access to the public mains runs through the alley between the building and the City Center parking garage. The alley is a separate parcel with the address of 26 East 7th Street. The revocable license will grant the Hotel Covington owner the permission to do the work and allows the City to retain ownership of the alley parcel moving forward.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-405-15

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH 638 MADISON, LLC TO FACILITATE THE INSTALLATION OF PRIVATE UTILITIES WHICH REQUIRES ACCESS TO THE CITY-OWNED PROPERTY ON THE SIDEWALK ADJACENT TO 638 MADISON AND PARALLEL TO MADISON AVENUE AND THE CITY-OWNED PROPERTY IN THE ALLEY BETWEEN THE MID-TOWN GARAGE AND 638 MADISON AVENUE.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

KYTC GRANT – The goal of this project is to transform Electric Alley between 5th and 6th Streets from a seldom used vehicular alley to a non-vehicular, pedestrian and bicycle friendly alley. The work will include underground utilities, landscaping and lighting and will provide a much safer connection for people that are visiting the library or walking between buildings at Gateway College.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-406-15

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET ACCEPTING THE FUNDING AND GUIDELINES ASSOCIATED WITH A TRANSPORTATION ALTERNATIVES (TA) GRANT, IN AN AMOUNT OF \$1,000,000.00 FOR THE DESIGN AND RECONSTRUCTION OF ELECTRIC ALLEY FROM WEST 5th STREET TO WEST 6th STREET.

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

CONTRACT – This bid to contract services for special inspections. Thelen & Associates completed the initial geotechnical report. The special inspections include concrete testing, inspection of reinforced steel, anchors, concrete mix designs, inspection of pre-stressed concrete, testing/density of compacted soils, etc.

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COMMISSIONERS' ORDER/RESOLUTION NO O/R-407-15

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH ATC GROUP SERVICES FOR PROFESSIONAL AND TECHNICAL SERVICES TO PERFORM SPECIAL INSPECTIONS FOR THE DEVOU PARK GOLF COURSE CLUBHOUSE, IN AN AMOUNT NOT TO EXCEED \$20,161.00, PAYABLE FROM DEVOU PARK ADVISORY COMMITTEE DESIGN FUNDS.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.
1 Nay. Commissioner Frank.

TAN PAYMENT – In September 2015, the City made a \$350,000 payment on the principal balance of the TAN and this additional payment during the FY16 budget, the principal balance would be reduced to \$2.45M dollars.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-408-15

AN ORDER/RESOLUTION AUTHORIZING A PAYMENT IN THE AMOUNT OF \$350,000 TO BB&T BANK ON THE CITY'S TAX ANTICIPATION NOTE (TAN) BY NO LATER THAN JUNE 29, 2016.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

830-850 HIGHWAY AVENUE – This property is owned by Meredith Lawrence and is needed by the city to construct the Riverfront Commons project and tie the trail into the existing sidewalk along Highway Avenue. The City has attempted to obtain an easement but Mr. Lawrence was not agreeable to that. The property was appraised and the City made an offer of \$81,000 to purchase the property and Mr. Lawrence was again not agreeable. Eminent domain was filed on the property and at this point the City can obtain title to the property by paying the court \$300,000. A trial will eventually be held and a final valuation will be determined.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-409-15

AN ORDER/RESOLUTION AUTHORIZING THE PAYMENT OF \$300,000.00, PURSUANT TO KRS 416.630, TO THE KENTON COUNTY CIRCUIT CLERK IN ORDER TO OBTAIN POSSESSION OF 830-850 HIGHWAY AVENUE SO THAT THE CITY CAN COMPLETE THE RIVERFRONT COMMONS PUBLIC IMPROVEMENT PROJECT, SAID AMOUNT SHALL BE PAID FROM CAPITAL BOND FUNDS.

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

DPAC APPOINTMENT – Mr. Nerone has been the Chair of DPAC for the past four years and has worked passionately for the improvements in Devou Park.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-410-15

AN ORDER/RESOLUTION APPROVING THE REAPPOINTMENT OF PETE NERONE TO THE DEVOU PARK ADVISORY COMMITTEE FOR A THREE (3) YEAR TERM, EFFECTIVE JANUARY 1, 2016, AND EXPIRING DECEMBER 31, 2018.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.

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Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

ADJOURNMENT

Mayor Carran adjourned the meeting at 7:25 p.m.

/s/ Sherry Carran
MAYOR

ATTEST:

/s/ Margaret M. Nyhan
CITY CLERK

APPROVED: January 12, 2016