

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, March 22, 2016 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, March 22, 2016, 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 Solicitor Frank Warnock, present

MOTION of Commissioner Wells, seconded by Commissioner Huizenga to dispense with the reading of and approve the minutes of the March 8, 2016, meeting.

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

PUBLIC HEARING – Jeremy Wallace, Community Development Manager held a public hearing outlining the 2016-2017 Northern Kentucky HOME Consortium Consolidated Plan/Annual Action Plan.

PRESENTATIONS – Covington Independent Public Schools Superintendent Alvin Garrison and teachers Tara Harnishfeger, Karissa Pickens, and Suzanne Thompson, along with three students gave a presentation on the Footsteps2Brilliance program that has been implemented in the school district.

NEW BUSINESS – FIRST READING OF ORDINANCES

NEW POSITIONS – The Director of Finance and Operations will serve as the Chief Financial Officer and Chief Operations Officer of the City under the direction of the City Manager. The Accounts Payable Manager will oversee and maintain the records for the Accounts Payable function of the City, under the direction of the Director of Finance and Operations.

COMMISSIONERS' ORDINANCE NO. O-X-16

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-13, TO CREATE THE POSITIONS OF DIRECTOR OF FINANCE AND OPERATIONS AND ACCOUNTS PAYABLE MANAGER AND ESTABLISHING SALARIES FOR THOSE POSITIONS.

First Reading, No Vote

OLD BUSINESS – SECOND READING OF ORDINANCES

NEW POSITION – Police Department staff recognizes the increase in cases where recovery of electronic evidence is necessary and the need for the position of Computer Forensic Analyst. This position in the Department will be a civilian, non-uniformed, non-civil service position.

COMMISSIONERS' ORDINANCE NO. O-04-16

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27.13, CREATING THE POSITION OF COMPUTER FORENSIC ANALYST AND ESTABLISHING THE SALARY FOR THAT POSITION.

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

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NEW BUSINESS – ORDER/RESOLUTIONS

PREFERRED DEVELOPER AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-69-16

AN ORDER/RESOLUTION DESIGNATING FLAHERTY AND COLLINS PROPERTIES AS THE PREFERRED DEVELOPER FOR THE 501 MIN STREET SITE, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A PREFERRED DEVELOPER AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS TO INITIATE THE REDEVELOPMENT OF THE 501 MAIN STREET SITE, AND REJECTING ALL OTHER SUBMISSIONS.

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

LICENSE AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-70-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A RIVERCENTER STREET LEVEL PLAZA MASTER LICENSE AGREEMENT WITH RIVERCENTER ENTERTAINMENT VENUES, LLC RELATED TO THE LICENSING OF CITY OF COVINGTON SPACE ON THE PLAZA IN FRONT OF THE RIVERCENTER TOWERS.

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

SUBSTANCE ABUSE TREATMENT PROGRAM

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-71-16

AN ORDER/RESOLUTION RELATING TO THE OPERATION OF A SUBSTANCE ABUSE TREATMENT AND DISEASE PREVENTION PROGRAM ADMINISTERED BY THE NORTHERN KENTUCKY INDEPENDENT HEALTH DEPARTMENT.

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

RETIREMENT – Firefighter Mussman is retiring after 20 years of service with the Department. The Board thanks him for his years of service to the City.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-72-16

AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION FOR RETIREMENT OF FIREFIGHTER WILLIAM D. MUSSMAN FROM THE COVINGTON FIRE DEPARTMENT, EFFECTIVE FEBRUARY 29, 2016.

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

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A **MOTION** by Commissioner Huizenga, second by Commissioner Eilerman to read and pass the next seven Order/Resolutions by Consent Agenda. Motion carried 5-0.

AMENDED JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-73-16

AN ORDER/RESOLUTION APPROVING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF AUDITOR IN THE COVINGTON FINANCE DEPARTMENT.

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

AMENDED JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-74-16

AN ORDER/RESOLUTION APPROVING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF STAFF ACCOUNT IN THE COVINGTON FINANCE DEPARTMENT.

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

AMENDED JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-75-16

AN ORDER/RESOLUTION APPROVING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF GIS BUSINESS ANALYST AND PROJECT MANAGER IN THE OPERATIONS DEPARTMENT.

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

APPOINTMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-76-16

AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF FAY SIEGEL TO THE POSITION OF AUDITOR IN THE COVINGTON FINANCE DEPARTMENT.

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

APPOINTMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-77-16

AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF JEROME HEIST TO THE POSITION OF STAFF ACCOUNTANT IN THE COVINGTON FINANCE DEPARTMENT.

MOTION of Commissioner Huizenga, seconded by Commissioner Eilerman.

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

DEED TRANSFER – The City took title to the land in 2015 from Heritage Bank after the structure on it was demolished. After corresponding with Mr. Deaton, the adjacent property owner-occupant, he expressed his willingness to pay all amounts due and owing against the lot in exchange for the transfer of the deed.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-78-16

AN ORDER/RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS PURSUANT TO KRS 82.083(3)(b) AND AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING TITLE TO THE PROPERTY LOCATED AT 1322 HERMES AVENUE TO DOUGLAS DEATON, THE ADJACENT PROPERTY OWNER, FOR ECONOMIC DEVELOPMENT PURPOSES.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.

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

A **MOTION** by Commissioner Huizenga, second by Commissioner Eilerman to read and pass the next three Order/Resolutions by Consent Agenda. Motion carried 5-0.

REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-79-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN EXCLUSIVE REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT WITH FRIDA, LLC FOR USE OF THE SOUTHERN HALF OF THE SIXTH STREET PLAZA FOR OUTDOOR DINING FOR A TERM THAT IS CONCURRENT WITH ITS TABLES AND CHAIRS PERMIT FOR THE 2016 OUTDOOR DINING TERM.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.

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

REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-80-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN EXCLUSIVE REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT WITH LISSE, LLC FOR USE OF THE NORTHERN HALF OF THE SIXTH STREET PLAZA FOR OUTDOOR DINING FOR A TERM THAT IS CONCURRENT WITH ITS TABLES AND CHAIRS PERMIT FOR THE 2016 OUTDOOR DINING TERM.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.

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

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REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-81-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN EXCLUSIVE REVOCABLE LICENSE AND NON-EXCLUSIVE EASEMENT AGREEMENT WITH 601 MAIN STREET, LLC, dba COCK AND BULL ENGLISH PUB FOR USE OF THE NORTHERN AND SOUTHERN HALF OF THE SIXTH STREET PLAZA SURROUNDING THE GOOSE GIRL FOUNTAIN FOR OUTDOOR DINING FOR A TERM THAT IS CONCURRENT WITH ITS TABLES AND CHAIRS PERMIT FOR THE 2016 OUTDOOR DINING TERM.

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

LEASE RENEWAL – The current lease with the State will expire on June 30, 2016, and under the Lease Agreement with the State, the City has the option to renew the lease under the same terms and conditions of the current lease.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-82-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A LEASE RENEWAL CONTRACT WITH THE COMMONWEALTH OF KENTUCKY FOR A ONE-YEAR EXTENSION OF THE LEASE BETWEEN THE CITY OF COVINGTON AND THE HUMAN RIGHTS COMMISSION, IN AN ANNUAL AMOUNT OF \$1,200.00.

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

SOFTWARE LICENSE RENEWAL – The City currently has 8 licenses for ArcGIS software. The license renewal covers continued maintenance on all of the licenses we hold.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-83-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL DOCUMENTS OF THE ANNUAL MAINTENANCE LICENSES WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR ArcGIS SOFTWARE IN AN AMOUNT NOT TO EXCEED \$2,600.00, PAYABLE FROM THE GENERAL FUND.

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

BAD CHECK FEES – The current rate for the City's bad check handling fee is \$20.00 and under state law this rate can be increased to an amount not to exceed \$50.00. After internal discussion, City staff determined that this would be a reasonable and valid increase under the law.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-84-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO INCREASE THE CITY'S BAD CHECK HANDLING FEE FROM TWENTY DOLLARS (\$20.00) TO THIRTY-FIVE DOLLARS (\$35.00).

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

SECURITY POLICY – The City uses Springbrook software to manage its financial information. In order to provide a system of checks and balances and an auditing trail, a policy was written to provide guidance and an explanation on how individual user accounts should be organized and financial controls maintained.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-85-16

AN ORDER/RESOLUTION APPROVING A SPRINGBROOK SECURITY POLICY WHICH WILL ESTABLISH A PROCEDURE FOR MANAGING FINANCE SOFTWARE USER ACCOUNT SETUP AND ACCESS.

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

ACCEPT BID – The City advertised for bids for the pool renovations and two bids were received. Shamrock Enterprises submitted the best responsible bid.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-86-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT AND ALL OTHER NECESSARY DOCUMENTS WITH ROBERT P. OBRIEN ENTERPRISES, INC. dba SHAMROCK ENTERPRISES FOR POOL RENOVATIONS AT THE GOEBEL AND RANDOLPH POOLS, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT NOT TO EXCEED \$157,139.00, PAYABLE FROM GENERAL FUND.

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

LEASE AGREEMENT – Yogi and the Farmer is an urban market garden and community wellness business which will cultivate food and market that food using the Community Supported Agriculture model.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-87-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A THREE-YEAR LEASE AGREEMENT WITH AN OPTION TO PURCHASE WITH YOGI AND THE FARMER, LLC, FOR THE LEASE OF THE CITY-OWNED PROPERTIES LOCATED AT 1214-1216 BANKLICK STREET AND 1213-1215 RUSSELL STREET FOR USE AS A MARKET GARDEN.

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

FEMA SAFER GRANT – During the application phase of a SAFER grant through FEMA, the application requires that the governing body submit a letter of commitment to the terms of the grant.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-88-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND SUBMIT A LETTER APPLYING FOR AND COMMITTING TO THE LONG-TERM OBLIGATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY SAFER GRANT.

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

REQUEST FOR PROPOSALS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-89-16

AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF A REQUEST FOR PROPOSALS FOR THE BROKERAGE AND CARRIER FOR PROPERTY INSURANCE, STOP-LOSS MEDICAL INSURANCE, STOP-LOSS LIABILITY INSURANCE AND WORKERS' COMPENSATION INSURANCE.

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

REQUEST FOR PROPOSALS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-90-16

AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF A REQUEST FOR PROPOSALS FOR ROOF REPLACEMENT AT FIRE STATION, COMPANY 5, 1225 HANDS PIKE, COVINGTON, KENTUCKY.

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

LEGAL CLAIM FUNDING – A civil judgment has been obtained against a Covington Police Officer which the City plans to appeal. This request is to secure payment for the judgment and attorneys' fees.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-91-16

AN ORDER/RESOLUTION AUTHORIZING SEGREGATING FUNDS TO SECURE PAYMENT OF A LEGAL CLAIM.

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

MANAGEMENT AGREEMENT – The City wishes to enter into a management agreement with Devou Properties Management, Inc. to manage, promote, market and operate the Devou Park Golf Course Clubhouse and Event Center and the Devou Golf Course.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-92-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MANAGEMENT AGREEMENT BETWEEN

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THE CITY AND DEVOU PROPERTIES MANAGEMENT, LLC FOR THE
OPERATION OF THE DEVOU PARK GOLF COURSE AND CLUBHOUSE.

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

ADJOURNMENT

Mayor Carran adjourned the meeting at 8:20 p.m.

/s/ Sherry Carran _____
MAYOR

ATTEST:

/s/ Margaret M. Nyhan _____
CITY CLERK

APPROVED: April 5, 2016