

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, December 1, 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 1, 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

- Susan Barnett with the Friends of Peaselburg Neighborhood Association, Mark Young with the Westside Action Coalition, and Crystal Courtney, DPI Municipal Specialist, gave a presentation on "Make a Difference Day" Tree Planting Projects in the Peaselburg and Westside neighborhoods.
- Sheila Fields, Solid Waste Coordinator, presented an update on changes to the Solid Waste program, including how issues have been handled.
- Lisa Desmarais, Operations Director/Interim Finance Director, gave a presentation on the proposed Fiscal Stability ordinance.

NEW BUSINESS – FIRST READING OF ORDINANCES

MEETINGS DATES

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE ESTABLISHING THE DATES OF THE REGULAR LEGISLATIVE MEETINGS OF THE COVINGTON BOARD OF COMMISSIONERS FOR 2016.

First Reading, No Vote

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE ESTABLISHING THE DATES OF THE CAUCUS MEETINGS OF THE COVINGTON BOARD OF COMMISSIONERS FOR 2016.

First Reading, No Vote

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE ESTABLISHING THE MEETING DATES OF THE DEVELOPMENT COMMITTEE, FINANCE COMMITTEE, PARKS AND INFRASTRUCTURE COMMITTEE, AND PUBLIC SAFETY COMMITTEE FOR 2016 FOR THE CITY OF COVINGTON.

First Reading, No Vote

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE ESTABLISHING THE MEETING DATES OF THE COVINGTON ECONOMIC DEVELOPMENT AUTHORITY FOR 2016.

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First Reading, No Vote

REINSTATE POSITION - In 2012, the City reduced the total number of Captain, Lieutenant and Engineer positions in the Fire Department. It is now recommended to add back one (1) Captain position, the goal of which is to have a Captain in Car 9 (Inspection) on each shift, adding more supervision and oversight.

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE AMENDING ORDINANCE NO. O-30-12 REINSTATING ONE (1) CAPTAIN POSITION IN THE COVINGTON FIRE DEPARTMENT.

First Reading, No Vote

BUS ROUTE SCHEDULE - The Transit Authority of Northern Kentucky (TANK) is planning a minor route change on bus route No. 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 saves 3 to 4 minutes of travel time on every trip. The segment of Madison Avenue between James Avenue and West 20th Street is served by three other TANK routes (Nos. 33, 7 and 9), while Eastern Avenue between James Avenue and Wallace Avenue doesn't have any service at all.

COMMISSIONERS' ORDINANCE NO. O-XX-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.

First Reading, No Vote

AMEND CHAPTER 98 - The City awarded a franchise for the collection and disposal of solid waste and recyclables to Rumpke of Kentucky, Inc. During this transition, the City took the opportunity to modify its waste management programs, including sanitation and health regulations that its residents and businesses must follow. The current ordinance is not entirely consistent with the new regulations and therefore must be amended accordingly. Major amendments include regulations regarding user fees and payments.

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE AMENDING CHAPTER 98 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT THE MODIFICATIONS THAT HAVE BEEN MADE TO THE CITY'S BILLING PRACTICES AS THEY RELATE TO SOLID WASTE AND RECYCLING SERVICES PROVIDED WITHIN THE CITY.

First Reading, No Vote

AMEND CHAPTER 95 - The City awarded a franchise for the collection and disposal of solid waste and recyclables to Rumpke of Kentucky, Inc. During this transition, the City took the opportunity to modify its waste management programs, including sanitation and health regulations that its residents and businesses must follow. The current ordinance is not entirely consistent with the new regulations and therefore must be amended accordingly. Major amendments

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include regulations regarding bulk item set outs, penalties, and container services and placement.

COMMISSIONERS' ORDINANCE NO. O-XX-15

AN ORDINANCE AMENDING CHAPTER 95 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT THE MODIFICATIONS THAT HAVE BEEN MADE TO THE CITY'S ENFORCEMENT PRACTICES AS THEY RELATE TO SOLID WASTE AND RECYCLING SERVICES PROVIDED WITHIN THE CITY.

First Reading, No Vote

OLD BUSINESS – SECOND READING OF ORDINANCES

EPAD CREATION - In August, the Board of Commissioners approved an EPAD ordinance that enabled owners of qualifying property to finance energy projects by consenting to a special assessment to serve as security for project-based financing. To this end, the owners of Ivy Knoll have identified a capital provider for the first EPAD project within the City and have made a petition for the levying of an assessment against their property. The total project cost will be \$750,000. Throughout the term, the Finance Department will collect the assessment and distribute the proceeds directly to the capital provider in consideration for making the loan to Ivy Knoll. This first project will be financed through private bonds that will be issued through Energize Kentucky, LLC, a sole member Kentucky limited liability company and the terms of the trust indenture will require the City to transfer collected assessments directly to the capital provider.

COMMISSIONERS' ORDINANCE NO. O-41-15

AN ORDINANCE THAT CREATES A NEW ECONOMIC DEVELOPMENT PROGRAM BY PROVIDING AN INCENTIVE BY LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN ENERGY PROJECTS IN COOPERATION WITH ENERGIZE KENTUCKY, LLC, ESTABLISHING A FUND FOR THE DEPOSIT OF THE PROCEEDS OF THE ASSESSMENT, ASSIGNING THE ASSESSMENT TO ENERGIZE KENTUCKY, LLC, AUTHORIZING THE EXECUTION OF AN EPAD AGREEMENT WITH THE PROPERTY OWNER, PROVIDING FOR AN ADJUSTMENT TO THE ASSESSMENTS IN ANY FISCAL YEAR BY ORDINANCE OF THE BOARD OF COMMISSIONERS, AND TAKING OTHER ACTION RELATED TO THE IMPOSITION OF THE ASSESSMENT.

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

NEW BUSINESS – ORDER/RESOLUTIONS

NON-UNION WAGE INCREASE - In October, the Board of Commissioners had approved a 3% wage increase pool, in total about \$149,000, for non-union employees. The wage plan is meant to bring non-union employees on schedule with union employees, which include Police, Fire and Public Improvements, who received a 3% wage increase totaling \$548,000 on January 1, 2015. The increases are based on existing employees whose salaries are outside of the minimum amount established for their position classification and performance reviews.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-381-15

AN ORDER/RESOLUTION APPROVING THE DISTRIBUTION OF \$149,000.00 FOR NON-UNION EMPLOYEE WAGE INCREASES WHICH REPRESENTS A 3% POOL BASED ON THE BASE SALARY OF ALL NON-UNION EMPLOYEES, FULL AND PART-TIME.

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

ECONOMIC DEVELOPMENT AGREEMENT - Lucky Twins, LLC submitted an application for the Vacant Property Payroll Tax Rebate Program as part of the rehabilitation of 602 Main Street into a restaurant.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-382-15

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH LUCKY TWINS, LLC, INC. TO PROVIDE BUSINESS INCENTIVES PURSUANT TO CITY OF COVINGTON CODE OF ORDINANCES CHAPTER 116.

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

ACCEPT BID – The City adopted a parking plan for the MainStrasse and Mutter Gottes neighborhoods that is a blend of off street paid parking, on street paid parking, and a residential parking program. Equipment needed to implement the plan was put out for bid.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-383-15

AN ORDER/RESOLUTION ACCEPTING THE BID OF LINKOLOGY FOR THE PURCHASE AND INSTALLATION OF THE PARKING PAY STATIONS IN THE MAINSTRASSE NEIGHBORHOOD, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH LINKOLOGY IN AN AMOUNT NOT TO EXCEED \$73,305.00, PAYABLE FROM THE CAPITAL FUND.

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

ACCEPT BID

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

AN ORDER/RESOLUTION ACCEPTING THE BID OF TASER INTERNATIONAL FOR THE PURCHASE OF 95 TASER X26P UNITS 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, WITH \$44,000.00 PAYABLE FROM A PRIVATE DONOR AND \$45,810.42 PAYABLE FROM THE POLICE DEPARTMENT ASSET FORFEITURE ACCOUNT.

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

AMEND PURCHASE POLICY

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-384-15

AN ORDER/RESOLUTION AMENDING THE CITY'S PURCHASING POLICY AND PROCEDURES MANUAL TO INCLUDE AN EMPLOYEE CREDIT CARD USAGE SECTION.

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

SURPLUS PROPERTY – Items from the Devou Park Golf Course Clubhouse, which is being demolished as part of the construction of a new clubhouse.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-385-15

AN ORDER/RESOLUTION DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE AND DISPOSITION PURSUANT TO KRS §§ 82.083 AND 45A.425.

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

SURPLUS PROPERTY – Miscellaneous equipment and vehicles from DPI.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-386-15

AN ORDER/RESOLUTION DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE AND DISPOSITION PURSUANT TO KRS §§ 82.083 AND 45A.425.

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

BOARD APPOINTMENT - Charles Killian is a resident of the Licking Riverside Historic Preservation Overlay Zone, business owner in MainStrasse Historic Preservation Overlay Zone, and has experience with the redevelopment of historic properties within the City of Covington. He will replace Will Yokel, who resigned from the Urban Design Review Board due to relocation outside the City.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-387-15

AN ORDER/RESOLUTION APPOINTING CHARLES KILLIAN TO THE URBAN DESIGN REVIEW BOARD FOR A FOUR-YEAR TERM, EFFECTIVE DECEMBER 1, 2015, AND EXPIRING NOVEMBER 30, 2019.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.
1 Present Not Noting. Commissioner Frank.

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AQUATIC FEES – With positive Fiscal Year 2015 CAFR results, the approximate \$240,000 of needed repairs can be accomplished this year without admission fees.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-388-15

AN ORDER/RESOLUTION SUSPENDING CHARGING FEES FOR USE
OF THE CITY'S AQUATIC FACILITIES FOR THE YEAR 2016.

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

LICENSE TRANSFER AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-389-15

AN ORDER/RESOLUTION APPROVING A LICENSE TRANSFER
AGREEMENT BETWEEN FLOYD C. HOPPER D/B/A FLOYD'S 7-11 AND
THE CITY OF COVINGTON.

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

BOARD REAPPOINTMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-340-15

AN ORDER/RESOLUTION APPROVING THE REAPPOINTMENT OF
MICHAEL J. BASSI TO THE TELECOMMUNICATIONS BOARD OF
NORTHERN KENTUCKY FOR A TWO-YEAR TERM, EFFECTIVE
JANUARY 1, 2016, AND EXPIRING DECEMBER 31, 2017.

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

ADJOURNMENT

Mayor Carran adjourned the meeting at 8:53 p.m.

/s/ Sherry Carran

MAYOR

ATTEST:

/s/ Margaret M. Nyhan

CITY CLERK

APPROVED: December 15, 2015